

CR No.4785 of 2019

Date of Decision: 06.09.2019

Janta Devi

.....Petitioner

Versus

Sunil and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Vikram Singh, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition is filed against the order dated 24.07.2019 passed by the Additional Civil Judge (Senior Division), Ganaur (for short, the trial Court), vide which, the application filed by respondent No.1 to lead additional evidence, was allowed.

Number of opportunities were granted to learned counsel for the petitioner to show as to whether the leading of additional evidence is barred in an election petition especially in case of a subsequent evidence coming forward in the absence of any pleading. Today, learned counsel for the petitioner has placed on record the judgments rendered by Hon'ble Apex Court in cases Harkirat Singh Vs. Amarinder Singh, 2006 AIR (SC) 713 and T.D.Byju Vs. Thiruvanchoor Radhakrishnan, 2008 (2) Scale 1 and rendered by this Court in case Ramesh Khatri Vs. Kavita Jain, 2018 (5) R.C.R. (Civil) 171. None of the judgments, so relied upon by learned counsel for the petitioner are applicable or come to his rescue in the facts of the present case. The respondents herein were allowed to place on record the enquiry report of the SDM, Ganaur, which was handed over to Deputy Commissioner, Sonapat, vide letter dated 03.04.2018. The said enquiry

it cannot be said that there are no pleadings to the said effect. No fault can be found with the impugned order allowing the enquiry report to be placed on record as additional evidence as the same was prepared and submitted after filing of the election petition. Moreover, the petitioner has not denied the existence of the said enquiry.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

06.09.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No