

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.R. No. 6282 of 2019

DATE OF DECISION :- October 16, 2019

Ram Dhan

...Petitioner

Versus

Anil Yadav and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ashok Tyagi, Advocate for the petitioner.

The challenge in this revision petition is to order dated 27.8.2019 passed by Civil Judge, Junior Division, Gurugram vide which he had dismissed an application filed by plaintiff Ram Dhan for summoning PW13 Sub Registrar, New Delhi as well as order dated 9.2.2016 passed by Civil Judge, Junior Division, Gurugram vide which evidence of the plaintiff had been closed by Court order.

The Court has observed that PW 13 Sh. S.K. Tyagi had appeared and brought the summoned record. However, learned counsel for the plaintiff got his examination-in-chief deferred on the ground that he had to be confronted with certain documents which were available with crime branch and were not summoned. Sh. S.K. Tyagi had again appeared in the Court on 5.1.2015 and 26.8.2015 but was not examined and vide order dated 9.2.2016 evidence of plaintiff was closed by order . Once it was so

done and such order was not challenged by the plaintiff by way of filing revision petition is suddenly challenging that order after a passage of more than three years and seven months is meaningless when the defendants have also concluded their evidence. The plaintiff is stated to have filed five applications after the defendants closed their evidence seeking different reliefs. The trial Court has observed that plaintiff has been filing different applications which is to prolong the trial. Under the circumstances, when sufficient opportunities had been afforded to the plaintiff to lead evidence and he had examined inasmuch as 28 witnesses not getting the statement of PW13 Sh. S.K. Tyagi completed despite having sufficient opportunities, his application for summoning of that witness at a highly belated stage was rightly rejected by the trial Court. Under the circumstances, the trial Court was justified in closing the evidence of the plaintiff by order dated 9.2.2016, which is now being challenged after more than three years and seven months of the same being passed clearly beyond the period of limitation.

Learned counsel for the petitioner could not convince me as to why statement of PW13 was not got completed despite the fact that he had appeared in the Court on several occasions. As regards the judgment cited by him 'K.K. Velusamy versus N. Palanisamy' 2011(2) R.C.R. (Civil) 875 by the Apex Court wherein it was observed that the Court can allow a party to produce fresh evidence even when evidence was concluded and arguments heard. That is not applicable since in this very judgment it has been observed that if the application is found to be mischievous, or frivolous, or to cover up negligence or lacunae, it should be rejected with heavy costs.

As observed by the trial Court, the case of the petitioner is covered by that eventuality therefore, there is no ground to allow the revision petition. Accordingly, the revision petition is dismissed.

(H.S. MADAAN)
JUDGE

October 16, 2019
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No