

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 6784 of 2019 (O&M)

Date of decision : 29.10.2019

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Divya Yog Mandir, Shivalik Enclave, Manimajra, U.T., Chandigarh
.....Petitioner

vs.

Chandigarh Yog Sabha (Regd.)
and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Mohan Jain, Senior Advocate with
Mr. Vikram Jain, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

This revision petition is directed against order dated 16.9.2019 passed by Civil Judge, Junior Division, U.T., Chandigarh, vide which she had dismissed the application filed by the defendant for placing the Proceedings Register dated 19.11.1999/11.5.2000, on record by way of additional evidence.

I have heard learned senior counsel for the revisionist-defendant, besides going through the record and I find that the impugned order is quite detailed and well reasoned. It does not suffer from any illegality or infirmity, much less apparent on the face of such order. The impugned order is certainly not perverse. The trial

Court has observed that both the parties have already adduced their evidence and now the case is mature for arguments. The defendant had availed of more than 40 effective opportunities to conclude its evidence and thereafter its evidence was closed by order of the Court on 22.4.2019 and the application appears to have been filed as delaying tactics. It has further been observed that the defendant has been unable to explain the relevance of the additional evidence sought to be brought on file and furthermore during the course of its evidence, the defendant had summoned record clerk, namely, Neeta, from the office of District and Sessions Judge, Chandigarh. Such official had brought the summoned record of the case titled 'Chandigarh Yog Sabha vs. Ms. Shashi Shah and others' decided on 28.11.2000, which record included original register. However, defendant had failed to place on record photocopy of register during its evidence. Therefore, it could not be stated that the evidence was not within knowledge of the defendant or defendant could not lay its hand thereupon when the case was at the stage of its evidence.

Learned senior counsel for the revisionist has referred to judgment reported as **Phool Chand Jain vs. Smt. Jotri Devi Jain 2002 (1) RCR (Civil) 233**, by a single Bench of this Court, which related to leading of additional evidence and in that case, additional evidence was allowed. However, a perusal of this authority goes to show that the application had been accepted observing that plaintiffs could not produce evidence either being unaware of the evidence or because some of the evidence came into existence subsequently. This is certainly not a case here. Therefore, the trial Court was justified in

dismissing the application for additional evidence.

There is no scope to interfere with the impugned order by way of exercising the revisional jurisdiction. Therefore, the revision petition stands dismissed.

29.10.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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