

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

**CR No.8466 of 2018(O&M)
Date of Decision: 24.01.2019**

**Chander Dass Chela Baba Balak DassPetitioner
Versus
Murti Mandir Sita Rama and anotherRespondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

Mr. S.K. Yadav, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

[1]. With the concurrence of the parties, main case is taken up today.

[2]. Petitioner has challenged the order dated 26.11.2018 passed by Civil Judge (Junior Division), Rewari vide which prayer for leading additional evidence was dismissed.

[3]. Concededly, the suit has reached the stage of arguments. Both the parties have already concluded their evidence. Defendant No.1 seeks to adduce additional evidence at this stage in the context of bringing to the notice of the Court that earlier a civil suit based on Will dated 16.03.2012 executed by Mahant Balak Dass in favour of defendant No.1 Chander

Dass was filed at Narnaul and the same was dismissed in default. In the said suit, defendant No.1/petitioner had already appeared before dismissal of the same in default. The subsequent suit was also filed on the basis of said Will in the Court of Behror and the same is statedly pending.

[4]. Evidently, the order vide which the evidence of defendant No.1/petitioner was closed has not been assailed in any manner. Leading of additional evidence in the context of pleadings and orders in previously instituted suit at Narnaul and subsequent instituted suit at Behror, would require leading of evidence to that effect in the present case. Such a course would result in *de-novo* trial of the suit. In my considered opinion, such a course cannot be permitted.

[5]. In view of above, there is no error of jurisdiction in the impugned order dated 26.11.2018 passed by Civil Judge (Junior Division), Rewari. This revision petition is accordingly dismissed. All other pending applications are accordingly disposed of.

24.01.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**