

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1565 of 2020 (O&M)

Date of Decision: 4.3.2020

Tej Pal and others

...Petitioners

Vs.

Santra Devi

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rakesh Dhiman, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. No ground for interference is made out in this revision petition. Learned Civil Judge, Junior Division has walked an extra mile to permit the defendant to place on record documents by way of additional evidence being the Compact Disc (CD), photographs etc. but with the caution that he would not permit the defendant to lead oral evidence in support of those documents.

2. The petitioning defendant has called in question the order dated 19.2.2020 which gives a part relief and denies the opportunity to start another sub-trial on production of electronic evidence and to examine the photographer as though a 40 year old land dispute, I was told, can be decided on the basis of a CD on which not even a certificate under Section 65-B has been placed on record to lead additional evidence. In fact the CD is not evidence under the Indian Evidence Act, 1872 till the formalities are performed, which is not the case.

3. After the deletion of Order 18 Rule 3 CPC no additional evidence can normally be produced unless you get the case under the parameters of Salem Advocates Bar Association, Tamil Nadu Vs. Union of India, 2005 (6) SCC 344. I do not see her coming through that test.

4. The defendant had opportunity plenty during the stage of cross-examination of the plaintiff's witnesses and by leading her own evidence to prove on her facts to defeat the suit filed against her.

5. Learned counsel further says that earlier a request made by application for appointment of a Local Commissioner to visit the spot and make a report, but that application was dismissed vide order Annex. P-5. It was then that defendant filed the application for leading additional evidence as a substitute remedy for Local Commissioner.

6. No interference is called for. The petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

4.3.2020

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