

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

115

**CR-1885-2021 (O&M)
Date of decision:10.09.2021**

BALWINDER SINGH

...Petitioner

Versus

CHHINDER PAL

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Ms. Gurpreet Kaur, Advocate
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner herein is the plaintiff in the suit for recovery of damages/compensation.

The suit is pending since the year 2017. The plaintiff after having availed as many as 19 effective opportunities, filed an application before the learned trial Court for permission to lead additional evidence. The application has been dismissed by the learned trial court after recording cogent reasons.

The petitioner prays for summoning the clerk of the concerned Election Tribunal to produce the record of the election petition. The petitioner has already produced the order passed by the Election Tribunal as Ex.P1. The learned trial Court has found that the additional evidence sought to be produced on record was in the knowledge of the petitioner.

The learned counsel representing the petitioner contends that the petitioner should be granted at least one opportunity.

As already noticed, the petitioner has already availed more than 19 effective opportunities. Moreover, Order 18 Rule 17-A of the Code of Civil Procedure, 1908, has been specifically deleted by the Parliament.

No doubt, in exceptional circumstances, the Court has the power to permit the party to lead additional evidence. However, in the present case, as noticed, the plaintiff has failed to make out a case for permission to lead additional evidence.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 10, 2021
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(ANIL KSHETARPAL)
JUDGE

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