

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

CR No.15 of 2022

Date of decision: 14th December, 2022

Sunita Devi

... Petitioner

Versus

Gajraj Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Jain, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

Petitioner is impugning the order dated 02.12.2021 passed by the learned Addl. Civil Judge (Senior Division), Rewari vide which an application filed by the plaintiff/respondent No.1 for leading additional evidence was allowed.

Learned counsel submits that the impugned order suffers from patent illegality being contrary to the settled principles of law. He further submits that the trial Court failed to appreciate that the documents, which the plaintiff/respondent No.1 was seeking to produce by way of additional evidence, were already in his knowledge and possession at the time of recording of his evidence. Hence, at a belated stage after the defendant's evidence had been led, respondent No.1 could not be allowed to fill-in the lacuna in his case, more so, when

there was no satisfactory explanation forthcoming as to why the said documents were not led in evidence at an earlier stage.

Learned counsel further submits that the suit in question was filed in the year 2013, therefore, after almost ten years, the *lis* could not be allowed to be reopened when it was at the verge of conclusion. In support, learned counsel has placed reliance upon **‘Puran Mal vs. Sawai Singh’ (CR-16473-2018, d/d 14.01.2019) and ‘Mohit and others vs. Rishpal Singh & others’ 2019(1) Law Herald 926.**

I have heard learned counsel for the petitioner and perused the relevant material on record.

A perusal of the application, annexed as Annexure P-1, moved by the respondent No.1 for additional evidence reveals that the jamabandi for the years 1916-17, 1938-39, 1941-42 and 1953-54 qua the suit property could not be produced earlier due to the non-availability of Urdu records and its Hindi translation.

No doubt, the application was moved at the stage when the case was fixed for rebuttal evidence and arguments, however, it would be apposite to observe that rules of procedure must be construed so as to further the cause of justice and to ensure just and effective adjudication of the issue in dispute between the parties.

In the present case, the jamabandis sought to be led in evidence are public documents and would certainly enable the trial Court to effectively decide the suit in question. This Court, in the circumstances, does not find any illegality, much less perversity in the impugned order which would warrant any interference by this Court.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

December 14, 2022

rps

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