

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

CR-5229-2022

Date of decision:-16.11.2022

Hansraj and another

...Petitioners

Versus

Sube Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.DPS Bajwa, Advocate
for the petitioners.

H.S. MADAAN, J.(ORAL)

1. In a civil suit titled 'Sube Singh Versus Komal Rani and others' pending in the Court of Additional Civil Judge (Sr.Divn.), Indri, Karnal, defendants No.1 to 3 had filed an application for producing additional evidence in the form of following documents:

(i) E-Challan dated 28.1.2022, copy of show cause notice dated 25.1.2022, Bill NO.467 dated 21.11.2014, Medical record of Vikas Sandhu son of Sube Singh issued by Drishti Eys Hospital, Essential Certificate endorse/certified by Doctor Ashok Gupta Drishti Eye Hospital, SCO-28, Sector-11, Panchkula, Application for reimbursement of Medical expenses, Copy of Bill Drishti Eye Hospital dated 5.10.2014 and Bill No.V/002012 dated 4.10.2014 and Drishti Eye Hospital treatment/prescription record dated 11.10.2014 and letter dated 4.3.2014 from the office of Additional

Chief Secretary to Govt. of Haryana Health Department and Ration Card of Sube Singh total pages 1 to 15.

(ii) Copy of letter dated 8.3.2022 regarding the complaint No.195/2021 pending in Lokayut, Haryana, Chandigarh total pages 3.

(iii) Certified copy of Protest Petition.

2. According to the applicants/defendants No.1 to 3, those documents are necessary to be placed on record and exhibited for the just and proper decision of the case.

3. The application was resisted by the plaintiff taking various legal objections including one that there is no provision in the Civil Procedure Code for leading additional evidence; that the applicants have not stated the significance of the documents to be produced by way of additional evidence; that no reason has been given for non-production of the documents at the time the defendants were leading their evidence; moreover, the documents cannot be proved without summoning the witnesses and if the application was accepted, it would amount to *de novo* trial. On merits, these pleas were reiterated while seeking dismissal of the application.

4. The trial Court vide the impugned order dated 19.4.2022 dismissed the application. The operative part of the order runs as follows:

4. Arguments heard. After listening to arguments of both the sides and after going through the record, the Court has arrived at conclusion that present application was filed by applicants/defendants no.1 to 3 on 15.3.2022 when the case was fixed for rebuttal evidence. Record reveals that they had availed 18

effective opportunities to lead and conclude their evidence. On 8.10.2021, they closed their evidence by giving a statement before the Court. Now, they are seeking indulgence of the Court to allow them to tender certain documents when trial is at its conclusion. So much so, they do not even disclose the relevancy of these documents or how they shall establish their defense, nor explain to the Court why these documents were not produced or tendered earlier at the relevant stage. The Court does not find any merit in the application, rather it seems to be an after thought to delay the trial.

5. Keeping in view foregoing discussion, application is dismissed and accordingly disposed of.

5. Feeling aggrieved by that order, defendants No.2 and 3 have approached this Court by way of filing the present revision petition praying that the same be accepted and their application for additional evidence be allowed.

6. I have heard learned counsel for the revisionists besides going through the record and I find that there is absolutely no merit in the revision petition.

7. As it transpires from the perusal of the impugned order, the case was fixed for rebuttal evidence of the plaintiff for 15.3.2022, when the application in question was filed. The trial Court has observed that such defendants had availed of 18 effective opportunities and thereafter concluded their evidence on 8.10.2021. Now when the trial of the case is at fag end, they want to produce additional evidence without disclosing

the relevance of the documents and why those were not produced earlier.

The application was not found to have any merit and was dismissed.

8. The order passed by the trial Court is detailed and well reasoned without there being any element of arbitrariness. The same does not come out to be suffering from any illegality or infirmity much less apparent on the face of it. While passing this order, the discretion has been exercised by the trial Court in a judicious manner. The application for additional evidence was rightly rejected and no case is made out to accept the same. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

9. Thus, finding no merit in the civil revision petition, the same stands dismissed.

16.11.2022

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No