

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

CR 5777/2022

Date of decision: 08.12.2022

Vivek Kumar

.....Petitioner

Vs.

Sudesh Rani and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Aayush Goyal, Advocate for the petitioner.

Nidhi Gupta, J.

By way of this revision petition, the petitioner/ plaintiff has challenged the order dated 5.11.2022 passed by Civil Judge (Junior Division), Ambala whereby the petitioner's application under Order 18 Rule 17 for additional evidence has been dismissed. By way of this application the petitioner had prayed to be permitted to exhibit certified copy of General Power of Attorney dated 21.5.1990 registered at Sr. No. 3105 dated 22.5.1990, attached as Annexure P1 with the application.

At the very outset, upon a query by this Court, counsel for the petitioner is unable to controvert the following facts: -

That the petitioner had availed 14 effective opportunities for leading evidence and had tendered documents and finally closed his evidence on 30.3.2022;

That the document that the petitioner now seeks to produce by way of additional evidence, the same being General Power of Attorney dated 21.5.1990, is already on file as Mark H;

This fact is also mentioned in para 4 of the petitioner's application under Order 18 Rule 17;

Copy of General Power of Attorney which is Notarized attested copy is already on the case file as Mark H. Certified copy of the document to be exhibited is attached with the application as Annexure P-1;

The petitioner admits that both documents are identical but Mark H is in English language whereas, Annexure P-1 is written in Gurmukhi script of which no translated version is attached with the certified copy;

However, petitioner is unable to explain as to why Annexure P1 though stated to be a certified copy does not bear any date of Sub Registrar by whom it was certified;

Even no explanation is given why certified copy of the Power of Attorney was not applied for or exhibited earlier;

Even no explanation is given as to the relevance of the said document. Even in the present revision petition, the petitioner has stated in para three thereof that *“It is pertinent to mention here there is no difference only that of language”*. Even if that be so, petitioner is unable to explain the relevance or the requirement to exhibit Gurmukhi version of the Power of Attorney which is already on record.

In view of the fact that the petitioner is unable to offer any explanation whatsoever, or controvert any of the above findings recorded in the impugned order, I find no merit in this revision petition and the same is hereby dismissed.

Application(s),if any, also stand disposed of.

(Nidhi Gupta)
Judge

08.12.2022

Joshi

Whether speaking/reasoned

Yes

Whether reportable

Yes/No