

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

CR 5726/2022

Date of decision: 06.12.2022

Jagjit Singh

.....Petitioner

Vs.

Kirpal Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.G.S.Nagra, Advocate for the petitioner.

Nidhi Gupta,J.

Prayer in the present revision petition is for setting aside the order dated 7.11.2022 (Annexure P-1) passed by Civil Judge (Jr. Div.) Nakodar in Civil Sit No. 399/2014 titled as 'Kirpal Singh and another v Sakattar Singh and others' whereby application filed by the petitioner/defendant no.3 seeking permission to lead additional evidence has been dismissed.

Brief facts of the case are that respondents/plaintiffs 1 and 2 filed a suit for joint possession against the petitioner and respondent no.7 and 8 herein. It is the stated case of the petitioner/ defendant No. 3 that during the pendency of the suit, it has come to the notice of the petitioner that number of cases were filed by plaintiffs/respondents 1 and 2 which were purportedly decided against them. Reference is made to Order dated 20.5.1999 passed in Misc. Case No.20/98 (which has already been placed as Ex. D-44), and by way of this application the petitioner sought to place on record application dated 26.1.1999 filed in civil suit No.420 of 1995, reply to application dated 4.12.1999, copy of

plaint in civil suit no.422/1988, copy of order dated 6.8.1985; framing of issues; copy of statement of Gurmej Singh dated 23.9.1995; and copy of order dated 23.9.1985 passed by Sub judge, Nakodar.

It is submitted by the learned counsel for the petitioner that the above said documents are necessary for the just and proper adjudication of the matter.

Heard.

It is not disputed by Id. Counsel for the petitioner that the plaintiffs and defendants in the present case have already closed their evidence. No reasons have been given by the petitioner as to why the said record could not be placed before the learned trial Court at the stage of their evidence. It is clear that the petitioner/defendants 1 to 3 have failed to exercise their due diligence as to why they could not lead said evidence at the relevant stage. It has not even been pleaded by them that these documents were not in existence, or in their knowledge earlier. Even further, learned counsel for the petitioner is unable to explain the relevance of these documents to the dispute at hand. Clearly this application has been presented only to further delay the proceedings. Accordingly, finding no merit in this revision petition the same is hereby dismissed.

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

(Nidhi Gupta)
Judge

06.12.2022
Joshi

Whether speaking/reasoned

Yes

Whether reportable

Yes/No