

CR-43-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-43-2020 (O&M)

Date of decision: April 18, 2023

Krishna Devi and another

....Petitioners

versus

Ajit Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Ms. Pritabha Yadav, Advocate for petitioners.

Mr. S.K. Yadav, Advocate for

Mr. Ajay Jain, Advocate for respondents No.2 to 4.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside impugned order dated 03.12.2019 (Annexure P-4) passed by learned Civil Judge (Junior Division), Narnaul to the extent of partly declining application for additional evidence (Annexure P-1) filed by petitioner/plaintiffs on 12.04.2019.

2. Learned counsel for petitioners would contend that case was fixed for defendants' evidence on 03.04.2019. On 12.04.2019, petitioner/plaintiffs filed an application for additional evidence for adducing educational and residential certificates along with ration card of defendants No.2 to 4 as mentioned in "Annexure A". Learned trial Court, vide impugned order dated 03.12.2019 (Annexure P-4), partly allowed the application to the extent that plaintiff to tender only certified copies of documents mentioned in "Annexure A". However, the prayer of petitioner/plaintiffs has been declined to the extent of proving the documents by calling the witnesses.

3. On the other hand, learned counsel appearing on behalf of respondents No.2 to 4 opposes the petition and prays for dismissal of the same.

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4. I have heard learned counsel for parties and gone through the record.
5. Impugned order dated 03.12.2019 (Annexure P-4) passed by learned Civil Judge (Junior Division), Narnaul is premised, *inter alia*, on the following reasoning:

“3. *In reply to this, defendant submitted that the suit of plaintiff has been filed on wrong facts as she is not owner in possession of suit property and by filing the present additional evidence applicant wants to prolong the litigation. Hence, prayed for dismissal of the application.*

4. *Arguments heard. From the perusal of case file this court is of the considered opinion that if the Court will allow the proving of documents application as prayed by plaintiff then the entire evidence will be considered as de-novo. Hence, present application stands partly allowed to the extent that plaintiff only will tender the certified copies of documents mentioned in "Annexure A" so that true facts will come in front of Court. Now to come upon 10.12.2019 for tendering of documents and for rebuttal evidence, if any and for arguments.”*

6. Having heard the arguments of learned counsel for the parties, there seems no room for interference in the aforesaid valid reasons recorded by learned Court below.
7. No material irregularity in law or procedure has been committed by learned Court below, so as to exercise extraordinary revisional jurisdiction herein.
8. No grounds for interference are made out.
9. Dismissed. However, it is clarified that documents contained at “Annexure A” as per impugned order shall be taken on record, subject to right of the petitioners to oppose admissibility of the same in accordance with law.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

April 18, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No