

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

CR-3431-2018 (O&M)

Date of decision : 12.01.2023

Jagdish Chand

... Petitioner(s)

Versus

Sunder Lal and others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. V.B. Aggarwal, Advocate for the petitioner.

Mr. Ankit Aggarwal, Advocate and
Mr. Gaurav Tyagi, Advocate for
Mr. Pankaj Bali, Advocate for respondent No.1.

Mr. Vishwajeet, Advocate for respondent Nos.2 and 3.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 24.04.2018, whereby the application filed by the petitioner for permission to lead additional evidence was dismissed.

Learned counsel for the petitioner at the outset states that he limits his prayer in the present revision petition to only tendering the legal notice dated 17.04.2013 in additional evidence. He further states that no evidence would be required besides tendering the said document. Learned counsel for the petitioner would further contend that the legal notice dated 17.04.2013 already forms part of the record inasmuch as the same was

appended with the plaint, however, the same could not be exhibited due to oversight.

Learned counsel for the respondents have vehemently contended that the legal notice was well within the knowledge of the petitioner and hence there is no question of getting the same exhibited at the fag end of the trial.

Heard.

In the present case the legal notice dated 17.04.2013 formed part of the documents appended with the plaint, however, due to oversight the same was not got exhibited by the counsel for the petitioner. There has been a mistake committed by the counsel for which the petitioner cannot be made to suffer.

In view of the above, the present revision petition is allowed subject to payment of Rs.30,000/- as costs to be paid to the respondents which shall be apportioned equally amongst them. The petitioner shall be permitted to tender the legal notice dated 17.04.2013 in evidence. It is made clear that no further evidence shall be allowed to be led.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

12.01.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO