

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

CR No. 2124 of 2023

DATE OF DECISION :- April 12, 2023

Baldev Raj @ Baldev Raj Juneja

...Petitioner

Versus

Banwari Lal Gupta and another

...Respondents

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

Present:- Mr. Shiv Kumar, Advocate for the petitioner.

Feeling aggrieved by the order dated 16.1.2023 vide which the trial Court of Civil Judge, Junior Division, Faridabad had allowed an application for additional evidence filed by the plaintiff to tender documents, defendants No. 1 and 2 have approached this Court by way of filing a revision petition.

I have heard learned counsel for the revision petitioner besides going through the record.

Admittedly the provision with regard to leading of additional evidence has been deleted from the Code of Civil Procedure. However, the Court has inherent powers under Section 151 CPC to allow/disallow additional evidence.

In this case it is subjective satisfaction of the trial Court that the additional evidence sought to be led should be allowed. In para No. 8 of the impugned order the trial Court has observed that additional evidence sought by applicant would be and is necessary for adjudicating the matter completely. The exercise of such discretion by the Court can certainly be not termed to be arbitrary or perverse.

Learned counsel for the revision petitioner has contended that mode of proof of the document is not in accordance with law and documents have been

allowed to be exhibited by the trial Court. He further states that no opportunity to lead evidence in rebuttal to the additional evidence allowed has been granted to the defendants.

Under the circumstances, the revision petitioner shall be at liberty to raise objections with regard to admissibility mode of proof of documents at appropriate stage and the trial Court may allow reasonable opportunity to the defendants to lead evidence in rebuttal to the additional evidence of plaintiff so allowed. Otherwise there is no ground to interfere with the impugned order.

With such observations, the revision petition stands dismissed.

(H.S. MADAAN)
JUDGE

April 12, 2023

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No