

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

114

CR-884-2023

Date of decision : 08.02.2023

Darshana Devi

... Petitioner

Versus

Lovepreet Singh alias Balwinder Singh and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. J.K. Singla, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 23.01.2023 whereby the application of the respondents/defendants for leading additional evidence has been allowed.

Learned counsel for the petitioner submits that the application of the defendants for leading the additional evidence had been allowed on the same day and the witness was examined on that day itself. In the alternative, he has sought another opportunity to cross-examine the witness who could not be properly examined on 23.01.2023. In support of his submissions, he has relied upon the judgments of this Court in the cases of **Satnam Singh versus Devinder Kaur, 2006(4) RCR (Civil) 639** and **Dalip Singh and others versus Karnail Singh, 2020(3) RCR (Civil) 799**.

Heard.

The petitioner has filed a suit for recovery of Rs.5,70,000/- against cheque No.538191 dated 06.05.2020 which was returned dishonoured due to insufficient fund. The amount was stated to have been advanced to Late Gulab Singh and the defendants are his legal representatives. The defendants/respondents had moved an application for leading additional evidence by way of an affidavit of DW Harjinder Singh which had been allowed after hearing the counsel for the

plaintiff/petitioner. Counsel for the plaintiff/petitioner had raised an oral objection against the application but after the application had been allowed, he is also stated to have cross-examined the witness on that very day without having raised any objection in that regard. If the plaintiff/petitioner was aggrieved of the order allowing the application for additional evidence, he ought to have raised an objection at least before cross-examination of the witness. Even otherwise, the defendants, who are contesting the suit for recovery, are entitled to lead the additional evidence.

The judgments relied upon by the counsel for the petitioner are distinguishable on facts and not applicable to the instant case.

The judgment in the case of **Satnam Singh versus Devinder Kaur(supra)** pertains to the suit for damages on account of death of the deceased while the instant case pertains to the suit for recovery of the amount allegedly advanced to the predecessor of the defendants.

The judgment in the case of **Dalip Singh and others versus Karnail Singh(supra)** pertains to the additional evidence at the appellate stage and therefore, it would not be applicable to the instant case wherein an application for leading the additional evidence filed by the defendants has been allowed during proceedings before the trial Court.

Consequently, I do not find any infirmity in the impugned order warranting interference while exercising revisional jurisdiction and the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 08, 2023
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No