

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CR-1016-2023

Date of Decision :15.02.2023

Param Singh

...Petitioner

Versus

Rajwati

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the challenge is to order dated 09.01.2023 (Annexure P/12) by which, an application filed by the petitioner-plaintiff seeking production of additional evidence has been declined by the trial Court.

Learned counsel for the petitioner-plaintiff submits that the factum of application dated 02.04.2016 submitted by the respondent-defendant before the authorities concerned was not in the knowledge of the petitioner-plaintiff and the said fact only came to his knowledge during the cross-examination of the respondent-defendant hence, an application which was moved by the petitioner-plaintiff on 17.12.2021 so as to produce additional evidence should have been allowed and the reasons given by the trial Court for the rejection of the said application dated 17.12.2021 in the impugned order are bad.

I have heard learned counsel for the petitioner and have gone

through the record with his able assistance.

The application seeking production of additional evidence was filed on 17.12.2021 by the petitioner/plaintiff before the trial Court. It has further been mentioned in the impugned order that affirmative evidence led by the petitioner/plaintiff was closed on 14.05.2018 and even the evidence of the defendant was closed on 17.08.2019 whereas, the application seeking production of additional evidence was filed more than two years after the defense of the defendants was closed. In the facts and circumstance of the present case, nothing has come on record as to why, an application was filed seeking production of additional evidence after two years of closing of defense evidence.

Even otherwise, copy of the application dated 02.04.2016 (Annexure P/8), which is sought to be produced, was available even prior to the filing of the suit. Nothing has come on record as to why the said application dated 02.04.2016 has not been produced earlier. No reason has come on record as to why even after cross-examination of the defendant, no action was taken by the petitioner-plaintiff for the period of more than two years. The reasons given by the trial Court for not accepting the application for leading the additional evidence cannot be treated as perverse.

Keeping in view the facts noticed hereinbefore, no ground for interference is called for by this Court and the revision petition is accordingly dismissed.

February 15, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No