

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

Civil Revision No.1484 of 2023

Date of Decision: 13.03.2023

M/s Om Parkash Dilbag Singh

...Petitioner.

Versus

Ramesh

...Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Nishant Raj Ghangas, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

Feeling aggrieved by the order (Annexure P-4) as passed by learned Additional District Judge, Panipat (for short 'the trial Court') on 07.02.2023 in Civil Suit No.13 of 2020, whereby the application (Annexure P-2) moved by the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') under Section 151 CPC for seeking permission to lead additional evidence, by way of producing and proving the copies of the Auction-Register, *Tol Bahi* (the Register containing the details of the weight of the commodities), Form-I and Form-DM/Market Fee Register on the record by summoning the requisite record from the Market Committee Madlauda and Dunar Foods Limited, has been dismissed, he (plaintiff) has preferred the instant revision petition to lay challenge to the same.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Concededly, the afore-mentioned documents, as now sought by the plaintiff to be produced and proved on the record in the above-referred Civil Suit, by way of the additional evidence, were in existence even before the filing of the said Suit in the year 2017. A perusal of the impugned order reveals that in Para No.4 therein, the trial Court has categorically mentioned that the evidence of the plaintiff had been closed by his counsel on 16.10.2019 and then, the defendant had also concluded his evidence and the said Suit had also remained pending during the period from 02.04.2021 to 07.01.2022, for leading rebuttal evidence and hearing the arguments and thereafter, the afore-said application (Annexure P-2) had been moved by the plaintiff.

4. Though the plaintiff has pleaded in his above-mentioned application that he could not produce the afore-said record at the time of leading his evidence earlier because he happens to be an old rustic person and is not well-versed with the procedure of maintaining the record and his *Munim* (Accountant) had informed him about the availability of the said record at a much later stage but this explanation does not suffice at all to afford any plausible ground for allowing his (plaintiff's) prayer and rather, it speaks volumes of the fact that he had failed to exercise the due diligence to produce and prove the above-detailed record despite the fact that it was in existence since much prior to the institution of the Civil Suit by him.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

March 13, 2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>