

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

CR-1818-2023 (O&M)
Date of decision: 23.03.2023

Nitin Gupta

...Petitioner

Versus

Shri Parasnath Polychem Chirod Road, Hisar

...Respondent

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

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

H.S. MADAAN, J.

In a suit for recovery filed by plaintiff Shri Parasnath Polychem Chirod Road, Hisar through its partner Lakshay Jain against defendant Nitin Gupta, during the course of proceedings, defendant Nitin Gupta had filed an application for leading additional evidence for examining auditor/accountant of the plaintiff concern stating that the applicant/defendant wanted to examine such official by way of additional evidence which is very much essential and necessary.

The application was opposed by the plaintiff and vide impugned order, the same was dismissed by the trial Court on 09.02.2023, leaving the defendant aggrieved and it has brought the present revision petition praying that the impugned order be set aside and the application for additional evidence filed by him be allowed.

I have heard learned counsel for the revision petitioner

besides going through the record and I find that there is absolutely no merit in the revision petition. In the impugned order, the trial Court has noticed that the suit for recovery of Rs.11 lacs was filed by the plaintiff on 17.12.2018; issues were framed on 30.10.2019 and evidence of the plaintiff was closed on 08.02.2022. The evidence of the defendant was closed on 27.01.2023 and the case was fixed for rebuttal evidence when the application was filed. In that way, the application is quite belated.

Secondly, in the application only name of witness has been mentioned without disclosing as to for what purpose the examination of the witness is necessary so much so it has not been disclosed as to what record is to be brought by auditor/accountant of the plaintiff concern. The defendant had closed his evidence after availing of several opportunities and no explanation was rendered as to why the witness now sought to be examined could not be examined during the evidence of defendant. It was further noticed that the provision with regard to leading additional evidence has since been deleted from CPC by the legislature, as such, the application had been declined.

The impugned order is quite detailed, well reasoned and does not suffer from any illegality or infirmity. It does not have any element of perversity or arbitrariness. Thus, no ground is there to interfere with such order by exercising revisional jurisdiction. The revision petition is found to be without merit and is dismissed accordingly.

23.03.2023

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(H.S. MADAAN)
JUDGE

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