

2023:PHHC:152137
**130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1272-2022 (O&M)
Date of decision: 30.11.2023

Smt. Sushma Sharma

....Petitioner

Versus

Piyush Kaushik

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhishek Sharma and
Mr. Abhi Kant Vats, Advocates for the petitioner

ANIL KSHETARPAL, J (Oral)

1. Learned trial court has dismissed the petitioner's (the plaintiff before the trial court) application for permission to lead additional evidence in order to produce copy of reply to RTI application and copy of APR Hail Storm Compensation register. The court, while dismissing the application has observed that the plaintiff has been granted a sufficient opportunity and the plaintiff, while filing the suit, has claimed that a relinquishment deed was executed by playing fraud on her, which is required to be proved by an independent evidence. The correctness of the aforesaid order has been challenged in this revision petition.

2. On a Court question, as to how the aforesaid evidence would be relevant, the learned counsel representing the petitioner submits that it would not be a cause of prejudice to anyone.

3. This Court has considered the submissions made by the learned counsel representing the petitioner. The relevant evidence can be permitted to be produced on record by following the procedure prescribed in law. However, in this case, the plaintiff has filed a suit for grant of decree of declaration to the effect that the registered relinquishment deed, executed by her, in favour of defendants, is result of fraud. Thus, the plaintiff is required to prove the fraud in accordance with law. These documents, which are sought to be produced in evidence, by way of additional evidence, would not be relevant for the decision of the case.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

30.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE