

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

151

2023:PHHC:120226

CR-3624-2022

Date of decision: 13.09.2023

ANIL

..Petitioner

Versus

VED SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate
for the petitioner.

Mr. Sumeet Goel, Sr. Advocate
with Mr. Samir Rathaur, Advocate
and Mr. Paramveer singh, Advocate
for respondent No.1

ANIL KSHETARPAL, J(Oral)

1. The petitioner before this Court is defendant No.1 in the plaintiffs's (respondent herein) suit for the grant of decree of declaration, permanent injunction and mandatory injunction and for cancellation of award passed in case No.493 of 2004 by *Samjhauta Sadan, Gurgaon*.
2. The challenge is to the correctness of interlocutory order passed by the Court of first instance while permitting the plaintiff to lead additional evidence by producing 15 documents including sale deed, mutation, Court orders, judgment, appeal, compromise etc.
3. The learned counsel representing the petitioner contends that the plaintiff's evidence was closed by the Court order on 22.11.2018 and therefore, he could not be permitted to lead additional evidence unless the order closing the evidence is challenged and set aside.
4. This Court has considered the submissions, however, finds no merit therein.

5. Though, a specific provision for permission to lead additional evidence as originally existed under Order XVIII rule 17 of the Code of Civil Procedure, 1908, was deleted, however, the Court of first instance has the inherent power under Section 151 to permit the parties to lead additional evidence in order to advance the cause of justice. Even if the plaintiff's evidence was closed by Court order, still there is no bar in moving an application for the additional evidence. The Court in the facts and circumstances of the case and for the reasons stated in the application can permit any party to lead additional evidence. Such enabling power of the Court is not curtailed only because the plaintiff's evidence was closed by Court order. There was no requirement to challenge the correctness of order by which the plaintiff's evidence was closed.

6. Hence, no ground to interfere is made out.

7. Dismissed accordingly.

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

September 13th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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