

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

CR-7111-2014(O&M)

Date of decision:-31.1.2023

Rajesh Kumar Mittal

...Petitioner

Versus

M/s Aggarwal Scientific Dyers, Chandigarh Road, Ludhiana

...Respondent

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

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

Mr.Vaibhav Sehgal Advocate
for respondents No.2 to 4.

H.S. MADAAN, J.

1. Feeling aggrieved by order dated 1.10.2014 passed by Civil Judge (Jr.Divn.) Ludhiana dismissing an application filed by the petitioner for additional evidence, the plaintiff has approached this Court by way of filing the present revision petition.

2. Briefly stated, facts of the case are that during the pendency of the Civil Suit No.39878 of 2013 titled as 'Rajesh Kumar Mittal Vs.M/s Aggarwal Scientific Dyers and another', the plaintiff had filed an application for leading additional evidence contending that counsel for the plaintiff had closed the evidence of plaintiff in affirmative on 11.9.2014, however, during inspection of the file, it transpired that one material witness i.e. handwriting expert was not examined, therefore, the plaintiff be allowed to examine such witness by way of additional evidence.

3. The application was resisted by the defendants contending

that the plaintiff had availed of a number of opportunities for leading evidence thereafter his counsel closed the evidence voluntarily and no ground is made out to allow the application in question.

4. Vide the order which is being impugned in this revision petition, the application filed by the plaintiff was dismissed, which left the plaintiff aggrieved and he has filed the present revision, notice of which was issued to respondents and respondents No.2 to 4 have put in appearance through counsel.

5. I have heard learned counsel for the parties besides going through the record.

6. The impugned order is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The discretion has been exercised by the trial Court in a very judicious manner. The reasoning given for non-examination of the expert earlier does not appear to be convincing and plausible.

7. Learned counsel for the petitioner has referred to various judgments i.e. **Yunis Masih Versus Lekh Raj and others** passed by a co-ordinate Bench of this Court in CR No.7441 of 2015 decided on 28.5.2016, **Bhoor Singh @ Balbir Singh Versus Hardev Singh, 2007(3) RCR(Civil)326, Ramesh Chand Versus Kashturi Devi and another** in CR No.928 of 2014 decided on 22.3.2016 and **Mukhtiar Singh Versus Jarnail Singh** in CR No.611 of 2014 decided on 14.1.2016 passed by a Co-ordinate Bench of this Court. However, those judgments do not help the petitioner in any manner due to the different facts and circumstances

of the case and the context in which observations had been made.

8. On the other hand, learned counsel for the respondents has also referred to judgments i.e. *Kulwant Singh Versus Makhan Singh, 1992(2) RRR 422, Ram Kumar Versus Raj Kumar & Ors., 2014(3) Civil Court Cases 453, Tarlok Singh Versus Sohan Singh, 2000(2), Civil Court Cases 94, Sukhdev Singh Versus Gurmukh Singh, 1998(3) Civil Court Cases 641* and *M/s Shree Sangmeshwar Mahadev Gramo Udyog Mandal Versus Ajmer Singh & Anr., 2014(4) Law Herald (P&H) 3627.*

9. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

10. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

31.1.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No