

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CM-16325-CII-2022 in/&
CR-5481-2022 (O&M)
Date of Decision :15.02.2023

R.K. Singh @ Ram Kumar Singh

...Petitioner

Versus

Sarojani Chaudhary

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Robin Singh Hooda, Advocate for the petitioner.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-16325-CII-2022

As prayed for, application is allowed.

CR-5481-2022

The present petition has been filed challenging order dated 27.09.2022 (Annexure P/4) by which, the application (Annexure P/3) filed by the petitioner-plaintiff for leading additional evidence has been declined by the trial Court.

Learned counsel for the petitioner-plaintiff argues that through the testimony of the respondent-defendant, she denied the execution of the pronote hence, in order to substantiate her signatures on the said pronote, an application was filed by the petitioner-plaintiff seeking production of additional evidence.

Learned counsel for the petitioner-plaintiff further argues that production of additional evidence was necessary for the correct adjudication

of the issue in question hence, order dated 27.09.2022 (Annexure P/4) passed by the trial Court dismissing the said application is liable to be set aside.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The suit which has been filed by the petitioner-plaintiff is for the recovery of the amount, which claim is based upon the pronote allegedly signed by the respondent-defendant. Proving the pronote is upon the petitioner-plaintiff and he was required to prove the same while leading affirmative evidence. Once, due opportunity was given to the petitioner/plaintiff to lead affirmative evidence and after which the petitioner/plaintiff's evidence was closed by the Court vide order dated 09.10.2019 and even defendant's evidence has already been closed in November, 2019, filing an application at the stage of rebuttal evidence by the petitioner-plaintiff to produce additional evidence is nothing but a delay tactics in the completion of the trial . Further, nothing has come on record as to what prevented the petitioner-plaintiff from proving the signatures of the respondent-defendant on the pronote at the relevant time i.e. while leading affirmative evidence which is the basis of the suit filed for the recovery of the amount.

In the absence of any material on record to show that the petitioner-plaintiff was prevented from producing the said evidence while leading affirmative evidence, an application seeking production of additional evidence on record has rightly been rejected by the Court below.

No perversity has been pointed out by the learned counsel for

the petitioner in the impugned order dated 27.09.2022 (Annexure P/4) passed by the trial Court hence, the present revision petition is accordingly dismissed.

February 15, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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