

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

Civil Revision No.5574 of 2022

Date of Decision: 09.01.2023

Amritpal Singh

...Revisionist-Petitioner

Versus

Jaswinder Singh & Others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. B.S.Bhalla, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has assailed the order dated 22.11.2022 (Annexure P-3) as passed by learned Additional Civil Judge (Senior Division) Moga (for short 'the trial Court') whereby the application (Annexure P-2) moved by him under Section 151 CPC for seeking permission to lead evidence on issues No.1 to 8, as framed in Civil Suit No.1147 of 2015, has been dismissed.

2. Today, Mr. L.S. Sidhu, Advocate, has put in appearance on behalf of respondents-defendants No.1 & 2 (here-in-after to be referred as 'defendants No.1 & 2') in the present petition and has submitted his Power of Attorney in the Court and the same is taken on the record.

3. I have heard learned counsel for the petitioner-plaintiff as well

as learned counsel for respondents-defendants No.1 & 2 in this revision petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the plaintiff contends that the trial Court proceeded to record the evidence of the parties without framing the issues in the said Civil Suit and rather, the same were framed later-on and the plaintiff was burdened to prove issues No.1 to 8 but thereafter, he was not afforded the opportunity to lead his evidence on the said issues and in these circumstances, he deserves to be granted reasonable opportunities for the above-said purpose but however, the trial Court has erroneously dismissed his afore-referred application vide the impugned order and hence, the same is not legally sustainable and deserves to be set aside.

5. Per-contra, learned counsel for defendants No.1 & 2 argues that the plaintiff has already availed more than sufficient opportunities to lead his evidence even after the framing of the issues and therefore, he has no occasion to ask for any further opportunity for this purpose.

6. The trial Court has categorically observed in the impugned order that the plaintiff had closed his evidence on 28.11.2019 after availing more than 30 opportunities and the issues were framed subsequently on 07.03.2020. Further, a bare perusal of para No.10 in this petition reveals that the plaintiff had moved an application earlier also on 12.03.2021 for seeking permission to lead additional evidence but the same was dismissed vide the order dated 12.08.2021 and feeling aggrieved therefrom, he moved a Civil Revision bearing No.1674 of 2021 before this Court which had been allowed vide the order dated 09.05.2022. The trial Court has also

specifically mentioned in the impugned order that thereafter, the plaintiff availed as many as 11 (eleven) opportunities to lead his additional evidence and subsequent thereto, the case had been adjourned on four occasions for leading rebuttal evidence, if any and for hearing the arguments and then, the plaintiff moved application Annexure P-2. The above-narrated scenario speaks volumes of the fact that the plaintiff has already availed more than reasonable opportunities to lead his evidence even after the framing of the issues in the said Civil Suit and it being so, his prayer for granting him any further opportunity for leading his evidence on the afore-said issues is bereft of any merit.

7. As a sequel to the fore-going discussion, it follows that the impugned order (Annexure P-3) does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

09.01.2023
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>