

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.6910 of 2023

Date of Decision: 17.11.2023

Banwari Lal

...Petitioner

Versus

Bharti and others

...Respondents

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

Present:- Mr. Robin Dutt, Advocate
 for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order handed down by learned Civil Judge (Senior Division), Chandigarh (for short 'the trial Court') on 07.11.2023 in Civil Suit No.170 of 2017 titled as '***Bharti and another versus Banwari Lal and others***', whereby the application (Annexure P-4) moved by the petitioner-defendant No.1 (here-in-after to be referred as 'defendant No.1') for seeking permission to lead additional evidence in respect of the original complaint dated 11.05.2016, the closure-report and also the statements of the parties to the dispute, recorded by the police, has been dismissed, he (defendant No.1) has preferred the instant revision petition to assail the same.

2. I have heard learned counsel for the petitioner-defendant No.1, at the preliminary stage, in the present revision petition and have also gone through the file carefully.

3. Learned counsel for the petitioner-defendant No.1 contends that the afore-mentioned documents, as sought by defendant No.1 to be produced

and proved on the record by way of the additional evidence, are relevant and essential for the proper adjudication of the dispute between the parties to the above-referred Civil Suit and therefore, the impugned order qua the dismissal of application Annexure P-4, being erroneous, deserves to be set-aside.

4. However, the afore-raised contention is devoid of any merit because the above-said documents were, concededly, penned down in the year 2016, i.e prior to the filing of the Civil Suit under reference in the year 2017 and submission of written statement (Annexure P-2) by defendants No.1 and 2 therein. To add to it, the trial Court has categorically observed in Para No.4 in the impugned order that defendant No.1 had availed as many as 15 (fifteen) opportunities to adduce his evidence before the same had been closed by his counsel on 16.08.2023. Throughout in application Annexure P-4, defendant No.1 has not come forward with any fair, candid and plausible explanation for not placing and proving the afore-detailed documents on the record while leading his evidence in the said Suit nor has avrred that these documents could not be procured by him at that time, despite exercising the due diligence.

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

17.11.2023
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>