

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

CR No.7402 of 2023

Date of Decision: 20.12.2023

Gaurav Chopra

.....Revisionist-Petitioner.

Versus

Sandeep and another

.....Respondents.

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

Present:- Ms. Shweta Bawa, Advocate, appearing for
 Mr. Balraj Gujjar, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to order Annexure P-4 handed down by learned Civil Judge (Junior Division), Faridabad (for short 'the trial Court') on 09.10.2023 in *Civil Suit No.719 of 2016* titled as '*Gaurav Chopra Vs. Sandeep and another*', whereby application Annexure P-3, as filed by him for seeking permission to lead additional evidence in respect of the official record by summoning and examining three witnesses, has been dismissed.

2. I have heard learned counsel appearing for the plaintiff in this petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel appearing for the plaintiff contends that the record, as now intended to be summoned by the plaintiff in his additional

evidence, was not within his knowledge earlier and the same is necessary for proper decision of the above-referred Civil Suit but the trial Court has wrongly dismissed the afore-said application vide the impugned order and hence, the said order is not legally sustainable and deserves to be set-aside.

4. However, the above-raised contentions are devoid of any merit because as specifically mentioned in Para No.4 in the impugned order, the evidence of the plaintiff had been closed on 23.10.2019 and the defendants had concluded their evidence on 17.03.2023 whereas the afore-mentioned application (Annexure P-3) bears the date 06.09.2023, meaning thereby that the same had been filed by the plaintiff about 04 years after the closure of his evidence and almost 06 months after the defendants had also closed their evidence, i.e when the proceedings in the Civil Suit under reference had, explicitly, reached the final stage. Moreover, throughout in the above-referred application, the plaintiff has not even whispered about the facts that at the time of leading his evidence earlier, the afore-said record was not within his knowledge or that despite exercising due diligence, he could not lay his hands upon the same. To add to it, though in Para No.3 therein, he (plaintiff) has averred that the above-mentioned record/evidence is necessary for proper adjudication of the Suit but again, he has not come forward with any fair and candid version as to how it would facilitate and would be relevant and essential for the afore-said purpose.

5. Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call

for any interference and the revision-petition in hand, being bereft of any merit, deserves dismissal. Resultantly, the same stands dismissed.

December 20, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

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