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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-271-2024 (O&M)
Date of decision : 18.01.2024

Praveen Sharma ... Petitioner(s)

Versus

Dipika and another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajat Mor, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 22.12.2023 (Annexure P-3) whereby the application filed by the petitioner for leading additional evidence has partly been allowed.
2. Learned counsel for the petitioner would contend that the audio CD of the telephonic conversation between respondent Nos.1 and 2 herein was appended with the petition, however, the same was not led in evidence. Learned counsel would further contend that the application ought to have been allowed in entirety.
3. Heard.
4. In the present case, at the stage of rebuttal evidence and arguments, the application was filed under Section 151 CPC seeking

permission to produce on record an audio CD alongwith its transliteration and certified copy of the petition titled as ‘Chanda Devi Vs. Janki Lal etc.’. The said application was contested by the respondents by filing a reply. Vide the impugned order dated 22.12.2023 the application was partly allowed and permission was granted for placing on record the certified copy of the petition titled as ‘Chanda Devi Vs. Janki Lal etc.’. However, the prayer qua leading the audio CD and its transliteration as additional evidence was denied. It has come on the record and as has been argued by the learned counsel for the petitioner herein that the audio CD was within the knowledge of the petitioner at the time of filing of the petition. Rather, a copy was appended with the petition, hence, it cannot be said that the evidence was not in his knowledge. The petitioner failed to exercise ‘due diligence’ and now cannot be permitted to lead additional evidence which was well within the knowledge of the petitioner even at the time of filing the petition.

5. In view of the above, I do not find any merit in the present petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

18.01.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO