

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4003-2017 (O&M)

Date of Decision: May 07, 2024

Shri Krishna Gaushala

...Petitioner

Versus

Dhanna Ram

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Manoj Sharma, Advocate
for the petitioner.

Mr.Munish Kumar Garg, Advocate
for respondent No.1.

ARCHANA PURI, J.

Challenge in the present petition is to the order dated 16.05.2017 passed in rent petition, whereby, an application for additional evidence was dismissed.

The facts, as culled out, from the paperbook, are as follows:-

That, petitioner Shri Krishna Gaushala-landlord through its President Om Parkash, had filed a rent petition, thereby, seeking ejectment of tenant Dhanna Ram from the shop, owned by it. During the pendency of the said ejectment petition, an application for additional evidence was filed, at the instance of the petitioner, copy whereof is Annexure P-1.

Perusal of the aforesaid application reveals that through proposed additional evidence, when the case was at the stage of rebuttal

evidence and arguments, the petitioner intended to produce certified copy of Registration, Memorandum and Article of Association, pertaining to Shri Krishna Gaushala, obtained from the office of Registrar, Firms and Societies, Jind. It was stated in the application that petitioner could produce the said documents earlier, due to weak memory, as he is senior citizen of 75 years.

In reply, the respondent resisted the claim of the petitioner. It was asserted that the documents, which are intended to be produced, are out of pleadings. Nothing is stated in the ejectment petition or in the statement of the petitioner, about these documents. It was never pleaded anywhere. It was only at the stage, when the case was at the fag end, that the application has been filed.

After hearing learned counsel for the parties and on appraisal of the material coming forth, vide impugned order, the application was dismissed.

Feeling aggrieved by the order of dismissal of the application, the petitioner has filed the present revision petition.

In pursuance of the notice issued, respondent made appearance through counsel.

Learned counsel for the parties heard.

Through the proposed additional evidence, the petitioner intends to produce copy of Registration, Memorandum and Article of Association, pertaining to Shri Krishna Gaushala. However, it is pertinent to mention that the case was at the stage of rebuttal and arguments, when the said application was filed. Nowhere, in the pleadings as well as in the

testimony of witnesses, any reference was made to the aforesaid documents. Rather, from the impugned order, it is evident that these documents were very much in the active knowledge of the petitioner, at the time of recording of the evidence. It was only to fulfill the lacunae, in view of the cross-examination conducted, the aforesaid application was filed. Nowhere, witnesses of the petitioner have deposed about existence of these documents.

In the given circumstances, the application for additional evidence, as such, cannot be allowed, only to fulfill the lacunae, as spelt out from the cross-examination of the witnesses of the petitioner. Consequently, learned trial Court had rightly dismissed the application and the impugned order brooks no interference.

Hence, the present revision petition is hereby dismissed.

May 07, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No