

plaintiff Bank moved an application for adducing additional evidence. Reply to the said application was filed on 07.07.2023 and case was adjourned to 14.07.2023, on which date the plaintiff made request to withdraw the said application. Accordingly, the application for adducing additional evidence was withdrawn by the plaintiff Bank vide order dated 14.07.2023 (Annexure P-7) and the case was adjourned for final arguments.

3. Learned counsel for the petitioners has argued that at the time of withdrawing the application for additional evidence, no liberty was sought to file fresh application for additional evidence but even then, the respondent/plaintiff moved another application on 18.07.2023 for additional evidence and the same was allowed vide impugned order dated 20.01.2024 (Annexure P-11). It has been further argued that a number of opportunities were granted to the plaintiff Bank to conclude its evidence. The counsel appearing for the plaintiff himself closed the evidence of the plaintiff. After withdrawing the application without availing any liberty, second application was not at all maintainable. It has been further submitted that additional evidence has been wrongly recorded on 15.02.2024 and the same is liable to be ignored, in view of Section 167 of the Indian Evidence Act. The evidence sought to be proved by way of additional evidence was already in the knowledge of the plaintiff Bank and said additional evidence could not be allowed. Reliance in this regard has been placed on a judgment of Delhi High Court, passed in the case of **Gold Rock World Trade Ltd. vs. Veejay Lakshmi Engineering Works Ltd. - Law Finder Doc Id# 353436.**

4. I have heard the arguments advanced by learned counsel for the petitioners and perused the case file.

5. Challenge in the present revision petition is to the order dated 20.01.2024 (Annexure P-11), whereby one opportunity has been granted to the plaintiff Bank to lead additional evidence on 15.02.2024, by examining one witness namely Vinod, the then Branch Manager, Canara Bank, Safidon.

6. It has been mentioned in the petition that the aforesaid evidence of witness Vinod stands already recorded and therefore, the present petition has been rendered infructuous. So, the present revision petition is liable to be dismissed on this ground alone. In this regard, he has relied upon a judgment passed by Co-ordinate Bench of this Court in the case of **Gopi Krishan Khanna vs. M/s Khadi Ashram and another – Law Finder Doc Id # 635399.**

7. Perusal of the file shows that plaintiff/respondent is a Bank. It wanted to examine its ex-Manager namely Vinod, through whom the instant suit has been filed. The said evidence was necessary for just decision of the case. The procedure is meant for advancement of justice. It is the duty of the Court to give full opportunity to the parties to produce their evidence. So, I do not find any illegality or perversity in the impugned order dated 20.01.2024 (Annexure P-11) passed by learned Trial Court.

8. In case **Karun Kalra vs. Geeta Verma and others – Law Finder Doc Id # 1930423,** this Court has held that :-

“.....anything beyond the pleadings is not admissible. A perusal of the written statement would reveal that there is no reference of the facts qua which the additional evidence is sought to be adduced.”

9. In case **Gold Rock World Trade Ltd. (supra),** the plaintiff wanted to produce certain documents by way of additional evidence.

However, in the case in hand, the suit was filed by the then Manager of plaintiff Bank namely Vinod, being constituting authority of the plaintiff Bank. So, the above-referred authorities are of no help to the petitioners.

10. Moreover, additional evidence is already recorded. In view of what has been discussed in the preceding paragraphs, this Court is of the view that no ground is made out to interfere in the well reasoned order dated 20.01.2024 (Annexure P-11), passed by the learned Trial Court. Accordingly, the present revision petition is without any merit and is hereby dismissed in limine.

11. Pending applications, if any, shall stand disposed of along with this judgment.

April 02, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.