

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.1088 of 2024
Date of Decision: 22.02.2024

Raj Singh & others

...Revisionists-Petitioners

Versus

Manpreet Singh alias Naib Singh

...Respondent

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

Present:- Mr. Nitesh Singla, Advocate,
for the revisionists-petitioners.

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MEENAKSHI I. MEHTA, J.(ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioners-defendants (here-in-after to be referred as ‘the defendants’) have laid challenge to the order (Annexure P-1) passed by learned Additional Civil Judge (Sr. Division), Budhlada (for short ‘the trial Court’) on 06.01.2024 in the *Civil Suit No.355 of 2019* titled as “*Manpreet Singh Vs. Raj Singh and others*”, whereby application Annexure P-5 moved by the respondent-plaintiff (here-in-after to be referred as ‘the plaintiff’) for seeking the permission to lead additional evidence by way of producing his disability-certificate on the record, has been allowed.

2. I have heard learned counsel for the petitioners-defendants in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the defendants contends that the plaintiff has moved the above-referred application at the belated stage when the afore-said Civil Suit has already been scheduled for leading rebuttal evidence, if any and

hearing the arguments and he has also not even mentioned the date of issuance of the disability-certificate therein but vide the impugned order, the trial Court has wrongly allowed his above-said application and hence, this order is not legally sustainable and it deserves to be set-aside.

4. However, the afore-raised contentions are devoid of any merit because as is explicit from the bare perusal of the plaint Annexure P-2, the plaintiff has filed the above-referred Civil Suit for seeking compensation to the tune of Rs.20 lac from the defendants on account of their having allegedly inflicted injuries on his person with intention to kill him and the injury caused in his one eye, having led to/resulted in the loss of vision in the same. In these circumstances, it becomes crystal clear that the disability-certificate would be one of the most material and essential pieces of the evidence for the purpose of just and proper adjudication of the Suit. It being so, mere factum of delay in filing the afore-said application and non-mentioning of the date of issuance of the disability-certificate therein, cannot be construed to be plausible or cogent grounds for declining the above-discussed prayer of the plaintiff.

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

22.02.2024

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**(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*