

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1632-2024
Date of Decision: 14.03.2024

NARINDER KAUR AND ORS PETITIONERS
VS

SUKHBIR SINGH AND ANR RESPONDENTS

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ramesh Sharma, Advocate for the petitioners.

GURBIR SINGH, J.

1. Challenge in this petition is to the order dated 28.02.2024 whereby application moved by plaintiff/respondent No.1 for leading additional evidence has been allowed.
2. Brief facts that are necessary for the disposal of this petition are that plaintiff/respondent No.1 filed suit for declaration that he is owner in possession of the suit on the basis of Will dated 07.04.2016 executed by Harjit Singh in his favour and mutation No.222 has been wrongly and illegally entered. The petitioners/defendants contested the suit and filed their written statement. After framing the issues, parties led their evidence. At the rebuttal stage, plaintiff/respondent No.1 moved an application for additional evidence for examining Amritpal Singh son of Malkit Singh attesting witness of the Will, to prove the signatures of Malkit Singh on the Will and to summon the clerk-cum-record keeper from the office of SDM Sahahkot

with the case file pertaining to mutation No. 222. The petitioners/defendants contested the application and filed their reply. The said application has been allowed vide impugned order dated 28.02.2024.

3. Learned counsel for the petitioner has argued that evidence sought to be proved by way of additional evidence was very much in the knowledge of plaintiff/respondent No.1. The issues were framed in the year 2019. Malkit Singh died on 17.11.2020 whereas plaintiff/respondent No.1 closed the evidence on 11.01.2024. Plaintiff/respondent No.1 took four years to lead the evidence and thereafter closed the evidence.

4. I have heard the submissions made by learned counsel for the petitioners.

5. Keeping in view that the procedure is handmaid to the administrative of justice. It is meant for advancement of justice. No doubt there is inaction on the part of plaintiff /respondent No.1 in leading the evidence and more than sufficient opportunities were granted to respondent No.1/plaintiff to lead the evidence but evidence which is necessary for just decision of the case cannot be kept away from the trial.

6. The learned trial Court has only given one effective opportunity to plaintiff /respondent No1 to examine the above said witnesses. Keeping in view that above said witnesses are necessary for just decision of the case and Courts are meant to do complete justice to the parties. I do not find any illegality in the impugned order passed by the learned trial Court.

7. It is hereby made clear that petitioners/defendants have every right to rebut the additional evidence, which is to be brought on the file and the learned trial Court shall grant proper opportunity to the

petitioners/defendants to rebut the additional evidence to be brought on the file.

8. This revision petition is without merit and is dismissed, accordingly.

9. Pending applications, if any, shall also stand dispose of in view of the above-said order.

14.03.2024
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(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>