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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4142-2024 (O&M)

Date of Decision : 12.08.2024

Jodh Singh @ Ranjodh Singh

... Petitioner(s)

Versus

Dhian Singh and Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.K. Chauhan, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. This is a petition under Article 227 of the Constitution of India for setting aside the order dated 19.07.2024 (Annexure P-5) whereby the application for additional evidence filed by the defendant-petitioner has been dismissed.

2. Brief facts relevant to the present case are that the defendant-petitioner herein concluded his evidence on 04.03.2024 and when the matter was fixed for rebuttal evidence and arguments and infact at the stage when the arguments had partly been heard, the application for additional evidence (Annexure P-3) was filed. Reply was filed to the application and vide the impugned order dated 19.07.2024 the said application was dismissed. Hence, the present revision petition.

3. Learned counsel for the petitioner would contend that the documents came to his knowledge subsequently and the same are necessary for the decision of the suit and hence the Trial Court has erred in dismissing the application.

4. I have heard the learned counsel for the parties.

5. In the present case the defendant-petitioner closed his evidence on 04.03.2024 and at the stage when the arguments had partly been addressed by the counsel for the plaintiff-respondent No.1, the application for additional evidence (Annexure P-3) was filed. In para 3 of the application it has categorically been stated that due to inadvertence and oversight at the time of leading evidence the evidence now sought to be produced as additional evidence could not be brought on the record. The argument of the learned counsel that the documents came subsequently to his knowledge is contrary to the averments made in the application. It is not averred in the application for additional evidence that these documents were not within the knowledge of the defendant-petitioner at the time of leading his evidence. Rather, as per the averments made in the application the evidence could not be brought on the record due to inadvertence and oversight. The Trial Court while holding that the said documents were well within the knowledge of the defendant-petitioner herein while leading his evidence, however, the said evidence was not brought on the record at the relevant time, dismissed the application for additional evidence (Annexure P-3). There is no illegality or irregularity in the impugned order warranting interference by this Court.

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

12.08.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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