



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

122

CR-5847-2024**Date of Decision: 23.10.2024****Harwinder Singh**

....Petitioner

Versus

Kapil Dev

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. This revision petition has been filed under Article 227 of the Constitution of India by the plaintiff-petitioner seeking setting aside the order dated 17.09.2024 (Annexure P-6) passed by Civil Judge (Junior Division), Jagraon, whereby the application for permission to lead additional evidence by way of examination of plaintiff, has been dismissed.

2. Learned counsel for the petitioner has argued that evidence of the plaintiff was closed by order. The plaintiff wants to examine himself and get recorded his statement for proper adjudication of the case. Accordingly, he moved an application seeking permission to lead additional evidence.

3. Upon notice of the application, reply was filed thereto, opposing the same. On consideration of the matter, the aforesaid application has been dismissed vide order dated 17.09.2024, which has been assailed by way of



present petition.

4. I have heard learned counsel for the petitioner and perused the record with his able assistance.

5. A perusal of the impugned order would show that the plaintiff-petitioner had approached the trial Court with the application averring that his evidence had been closed by order. However, on perusing the record, the Court found that the evidence of the plaintiff has been concluded and he himself had closed his evidence by suffering a statement on 10.04.2023. On consideration of the matter, the application moved by the petitioner for permission to examine himself by way of additional evidence has been dismissed with the following observations:-

“3. Considered. Perusal of the file transpires that plaintiff has filed the present suit for recovery against defendant and the plaintiff has moved the present application on the ground that his evidence was closed by order and he wants to examine himself. Perusal of the record reveals that evidence of plaintiff has already been concluded and plaintiff himself closed his evidence by separate statement on 10.04.2023. Thus, the present application is not maintainable and same stands dismissed.”

6. A perusal of the aforesaid observations would show that the petitioner had concluded his evidence and himself closed the same. The petitioner has not disclosed in his application as to what evidence he wants to bring on record as additional evidence. Even during the course of hearing, learned counsel for the petitioner is not in a position to identify the nature of the evidence sought to be adduced as additional evidence. It is well settled that

**CR-5847-2024**

-: 3 :-

a party approaching the Court with such an application seeking to produce additional evidence, must clearly state the specific evidence it intends to introduce. It is only thereafter that the Court is duty bound to examine the proposed evidence, if it is relevant, just and proper for the adjudication of the *lis* and it has been satisfactorily explained that despite exercise of due diligence, the same could not be produced at the earlier appropriate stage. In the present case, the application being bereft of material details is vague and has been rightly rejected.

7. Having given my profound consideration to the peculiar facts of the case and the well settled principles of law, I do not find that the impugned order suffers from any illegality or perversity, which may require interference.

8. Accordingly, the revision petition being bereft of merit, is dismissed.

October 23, 2024
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No