



CR-1948-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.206

Case No. : CR-1948-2019

Decided On : February 03, 2025

Ajay Kumar @ Jai Kumar Petitioner

vs.

Manoj Kumar Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

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Present : Ms. Anuradha, Advocate
for Mr. Shashikant Gupta, Advocate
for the petitioner.

Mr. Monu Sharma, Advocate
for Mr. Rohit Mittal, Advocate
for the respondent.

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VIKRAM AGGARWAL, J. (Oral) :

1. The present revision petition is directed against the order dated 02.03.2019 (Annexure P-3), passed by the Court of learned Civil Judge (Junior Division), Narnaul, vide which, the application filed by the petitioner, to examine two witnesses namely Kuldeep and Pardeep, was rejected.

2. A suit for recovery of Rs.80,000/- was filed by the respondent/plaintiff against the petitioner/defendant. While the evidence of the petitioner/defendant was going on, an application dated 12.09.2018 (Annexure P-1) was moved by the petitioner/defendant for permission to examine two witnesses namely Kuldeep Kumar and Pardeep. The application was opposed by way of reply dated 29.10.2018 (Annexure P-2)



and vide the impugned order, the said application was dismissed.

3. Learned counsel for the petitioner submits that the petitioner needed only one opportunity to examine the two witnesses, referred to above but the learned Trial Court erroneously rejected the application.

4. Per contra, learned counsel for the respondent submits that the only endeavour of the petitioner/defendant is to delay the proceedings and no occasion arises to permit the petitioner to examine two more witnesses. He submits that the application filed by the petitioner/defendant was rightly rejected by the learned Trial Court.

5. I have considered the submissions made by learned counsel for the parties and have also perused the case file.

6. No doubt, the case was fixed for defendant's (petitioner's) evidence on 12.03.2018 and sufficient opportunities were given to him. When the case was fixed for 12.02.2019, being the last opportunity for evidence of the petitioner/defendant, the application in question was moved. The same was, however, rejected by the learned Trial Court. Apart from noticing that a number of opportunities had been granted to the petitioner/defendant, it was noticed by the learned Trial Court that pleadings in the written statement were not there to permit the defendant to examine the two witnesses. Accordingly, the application was dismissed.

7. I do not find any infirmity in the said findings recorded by the learned Trial Court because in the written statement, it had simply been denied by the petitioner/defendant that any amount had ever been advanced by the respondent/plaintiff, whereas in the application, a totally new case was set up, wherein it was stated that some amount had been paid by the

petitioner/defendant to the son of the respondent/plaintiff. It is settled law that no evidence beyond the pleadings can be permitted and by way of application, the petitioner/ defendant could not have been permitted to set up a new case.

8. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

February 03, 2025

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(VIKRAM AGGARWAL)
JUDGE

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