
(2013) 09 P&H CK 0516

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 7219 of 2012 (O&M)

Verinder and Vikram Singh, HUF

APPELLANT

Vs

The Collector, Karnal and Others

RESPONDENT

Date of Decision : 30-09-2013

Acts Referred:

Citation : (2014) 173 PLR 686

Hon'ble Judges : Laxmi Narain Mittal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Laxmi Narain Mittal, J.—Plaintiff HUF Verinder and Vikram Singh, through Vikram Singh as karta, has filed this revision petition under Article 227 of the Constitution of India impugning order dated 08.11.2012 (Annexure P-1) passed by the trial court thereby dismissing application Annexure P-2 filed by the plaintiff for additional evidence. I have heard petitioner in person and learned State counsel for respondents No. 1 and 2 and also perused the case file.

2. Petitioner contended that respondent No. 3 was impleaded as defendant No. 3 by placing amended title on record of the trial court on 17.09.2011, and therefore, fresh right accrued to the plaintiff to lead evidence. Accordingly, the plaintiff sought permission to prove registered family agreement dated 20.01.2005 by summoning attesting witness Surinder Singh.

3. I have carefully considered the aforesaid contention which cannot be accepted.

4. It is mentioned in application (Annexure P-2) that respondent No. 3 was ordered to be impleaded as party to the suit vide orders dated 06.08.2007 and 10.09.2007. Entire evidence by the plaintiff was led thereafter. Consequently, the aforesaid contention is completely misconceived and untenable. Mere filing of amended title on 17.09.2011 by impleading respondent No. 3 as defendant No. 3 would not mean that she was impleaded as party to the suit on 17.09.2011 only. On the other hand, her impleadment was ordered vide order dated 06.08.2007.

Since entire evidence by the plaintiff was led thereafter, question of re-opening the case by granting more opportunity to the plaintiff for its evidence due to impleadment of respondent No. 3, therefore, does not arise.

5. It may be added that evidence of the plaintiff was closed by court order dated 23.08.2011. The said order has attained finality and was not challenged by the plaintiff. For this reason also, the petitioner is not entitled to lead additional evidence.

6. Besides it, earlier application filed by the plaintiff for additional evidence was dismissed by the trial court, vide order dated 06.10.2012. Thereafter, there was no fresh ground for the plaintiff to file second application dated 17.10.2012 (Annexure P-2) for additional evidence. It is thus apparent that examined from any angle, application (Annexure P-2) filed by the plaintiff for additional evidence has been rightly dismissed by the trial court. There is no perversity, illegality or jurisdictional error in the impugned order of the trial court so as to call for interference by this Court in exercise of power of superintendence under Article 227 of the Constitution of India.

The revision petition is merit less and is accordingly dismissed.