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

(129)

CR-2646-2025

Date of decision: - 01.05.2025

Prem Nath Sharma

...Petitioner

Versus

Rajiv Kumar Sharma and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kulwinder Singh, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 08.04.2025 (Annexure P-6) passed by the Civil Judge (Junior Division), Ludhiana, vide which an application for examining the concerned clerk, GLADA, Ferozepur Road, Ludhiana alongwith the record, has been dismissed.

2. Learned counsel for the petitioner has submitted that the evidence of the petitioner was closed on 14.02.2025 and within a period of one month from the same, the petitioner had filed an application for additional evidence for examining the officer of GLADA Authority alongwith the relevant record and has further submitted that the said evidence is very necessary for the final adjudication of the case. It is stated that in the application (Annexure P-4), it had been stated that on account of inadvertence, the said officer could not be examined when the



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evidence of the defendant was being led. It is further submitted that the said application is meritorious however the trial Court vide the impugned order dated 08.04.2025 (Annexure P-6) has dismissed the same and the said order is illegal and deserves to be set aside.

4. A perusal of the impugned order dated 08.04.2025 (Annexure P-6) would show that it had been stated that the suit was instituted in the year 2016 and was a very old case and the present petitioner/defendant had taken 25 effective opportunities for leading his evidence and had closed his evidence on 14.02.2025 and thereafter had filed the said application. It was further observed that the petitioner was not able to give cogent reason as to why the said witness could not be examined earlier and that there is no provision under CPC for allowing additional evidence to be produced by any party. The said order is in accordance with law and deserves to be upheld. Order 18 Rule 17 A of the CPC which provided for production of evidence not previously known or which could not be produced despite due diligence has already been deleted from the Code of Civil Procedure 1908. Thus, there is no right to lead additional evidence.

5. Moreover, a perusal of the application (Annexure P-4) would show that the plea taken in the same is of inadvertence and the said plea is mutually destructive to the plea of due diligence.

6. The Hon'ble Supreme Court in the case of "*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*", reported as (2010) 8 *Supreme Court Cases* 329, had observed that the High Courts cannot, at

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the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

7. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

**(VIKAS BAHL)
JUDGE**

May 01, 2025
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	Yes