

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

Civil Revision No. 3266 of 2015 (O&M)

Date of decision : 14.5.2015

Mst. Majidan

... Petitioner

VS

Mohammad Sadiq and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Jasmeet Singh Bhatia, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 23.4.2015 passed by the learned Court below whereby the application filed by the petitioner for permission to lead additional evidence, was dismissed.

The suit was filed by the petitioner-plaintiff on 2.2.2011. The present application was filed when entire evidence of the parties was over and the case was fixed for rebuttal and arguments. Thereafter, as the record suggests entire effort of the petitioner is to delay the proceedings, which has been noticed by the learned Court below in the impugned order. When the case was fixed for rebuttal evidence, if any, and for arguments, firstly, the application seeking amendment of the plaint was filed, which was dismissed by the learned trial Court. The order was upheld by this Court in Civil Revision No. 7451 of 2014, vide order dated 4.11.2014. Subsequently application was filed for framing of additional issue, which was also dismissed by the learned Court. The order was upheld by this Court in Civil Revision No. 247 of 2015 vide order dated 13.1.2015. After that the present application was filed. It has further been noticed by the learned court below that the evidence of the petitioner-plaintiff concluded on 29.11.2013 and within a very short span of time, the defendant closed his evidence on 17.4.2014. Thereafter, the petitioner-plaintiff changed two counsels and sought more than thirty adjournments during which the aforesaid applications were filed and the orders passed wherein were upheld by this

Court. The ingredients required for seeking permission to lead additional evidence were neither pleaded nor made out.

In view of the aforesaid factual matrix, I do not find that there is any error in the order passed by the learned court below. The petition is, accordingly, dismissed.

Considering the fact that evidence of the parties was concluded more than one year back and thereafter the case has been adjourned for more than 30 dates of hearing, in which three applications were filed by the petitioner-plaintiff, the learned Court below is directed to finally dispose of the suit within two months from the next date of hearing fixed in the case.

14.5.2015
vs

(Rajesh Bindal)
Judge