

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

**CR No.5435 of 2015
Date of decision : 24.08.2015**

Sarabjit Kaur

...Petitioner

versus

Govt. Girls Senior Secondary School, Prem Nagar and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Singh, Advocate for the petitioner.

RITU BAHRI, J (Oral)

The petitioner/plaintiff has come up in revision against the order dated 27.07.2015 (Annexure P-6), vide which the application of the plaintiff for leading additional evidence has been dismissed.

The petitioner/plaintiff has filed an application for additional evidence when the suit has reached the stage of final arguments. In the application, it was stated that during pendency of the suit, the plaintiff came to know from reliable sources that the property in dispute vested in Municipal Corporation and it was Municipal Corporation, who was competent to allot the same to the inhabitants of the locality. While dismissing the application the trial Court has observed that the Municipal Corporation, Karnal has got no concern with the suit land. Municipal Corporation has not been impleaded as a party. Moreover, the plaintiff after availing 14 opportunities has not lead any evidence to show that the Municipal Corporation was the

owner of the land in dispute vested in the Municipal Corporation. In the absence of any evidence led in affirmative that the Municipal Corporation was the owner of the suit land at the stage of final arguments, the application has been made at the stage of final arguments to prolong the proceedings in the trial. The specific stand taken by the defendants in the civil suit was that the Municipal Corporation had got nothing to do with the suit land. Hence the application for additional evidence has been rightly dismissed by the trial Court.

The application has been rejected on the ground that in the written statement filed by defendant No.1, it is stated that ownership of the land is vested of the education department and principal school has been impleaded by name as defendant No.1. Husband of the plaintiff Sarup Singh was working as a tubewell operator with the PWD Department is a mischievous person who has tried to take possession of the land in dispute as his house is adjacent to the land and the suit was bad for mis-joinder and non-joinder of the necessary parties. Defendant No.2 in the written statement (Annexure P-3) has stated that the Municipal Corporation is the owner of the land in dispute. The application for additional evidence has been rightly rejected by the trial Court and no interference is called in the order.

Dismissed.

24.08.2015
Vinay

(RITU BAHRI)
JUDGE