

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5555 of 2014

DATE OF DECISION : November 19, 2015

Narayani Devi

..... PETITIONER(S)

VERSUS

Krishan & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Mr. S.K. Yadav, Advocate, for the petitioner.
Mr. H.P.S. Ishar, Advocate, for respondents No.1 to 3.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

Vide order being assailed, dated 23.07.2014, rendered by Additional Civil Judge (Senior Division), Mahendergarh, application moved by the petitioner-plaintiffs to adduce additional evidence had since been dismissed.

No doubt, a bare analysis of the order under challenge reveals that the petitioner has been extremely remiss and

negligent in pursuing her cause. But the fact remains that, in case, she is not granted one effective opportunity to tender Jamabandi for the year 2002-03 and Mutation Nos.1417 and 1418, she shall suffer an incalculable loss, which might also result in miscarriage of justice.

In a suit filed by the plaintiffs, they have prayed for a decree for specific performance of the agreement to sell dated 22.09.2007, which is purported to have been executed by respondents No.1 to 5. And vide the documents that are sought to be tendered by way of additional evidence, what is sought to be established is that respondents No. 1 to 5 were indeed the owners of the suit land. Ex-facie, the proposed amendment is crucial to the interest of the petitioner. And would enable the court to arrive at a just and fair decision in the matter. As regards, the inconvenience and delay that has been caused to respondents No.1 to 5, they could always be compensated by awarding suitable costs.

That being so, the revision petition is allowed and the order dated 23.07.2014, is set aside, subject to following terms:-

1. petitioner shall be granted one effective opportunity to tender Jamabandi for the year 2002-03 and Mutation Nos.1417 and 1418, on the date that shall be fixed by the trial Court in this regard;
2. in case, the petitioner fails to lead the said evidence on the appointed date, her evidence would be deemed to have been closed; and

3.this, however, shall be subject to payment of
₹25,000/- as costs, which shall be a condition
precedent.

NOVEMBER 19, 2015
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(ARUN PALLI)
JUDGE