

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 7662 of 2012 (O&M)
Date of Decision: 21.5.2015.**

Sadhna

.....Petitioner

Versus

Dhanno and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Hooda, Advocate
for the petitioner.

Mr. K.S.Malik, Advocate
for respondents No. 2, 3, 8, 9, and 11 to 14.

None for respondents No. 1, 4 and 5 to 7.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 10.12.2012 whereby application moved by the petitioner for permission to lead additional evidence, was declined.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for declaration that she was owner in possession of 1/8th share of her father late Sultan Singh. Petitioner led her evidence in the affirmative and, thereafter, defendants concluded their evidence. Petitioner was granted opportunity to lead her evidence in the rebuttal. The suit was filed in July 2006 and issues were framed on 12.8.2008. Now by way of additional evidence, petitioner wants to examine Pandit Shiv Dutt

and Pandit Sachin Sharma to establish that she was the daughter of Sultan Singh. The case of the defendants from the very beginning was that, in fact, petitioner was daughter of Om Parkash and not Sultan Singh. Thus, petitioner knew her case and was aware of the fact that she was liable to establish that she was the daughter of Sultan Singh and not daughter of Om Parkash as alleged by the defendants. However, petitioner failed to examine the witnesses now sought to be examined by her while leading her evidence in the affirmative. In the facts and circumstances of the present case, the learned Trial Court rightly held that the application moved by the petitioner for permission to lead additional evidence, had been filed at a belated stage and had, thus, rightly rejected the same.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 21, 2015
Gurpreet