

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 921 of 2015
Date of Decision: 15.5.2015.**

Nirmal Rani @ Nirmala Rani

.....Petitioner

Versus

Jatinder Chopra

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S.Bajaj, Advocate
for the petitioner.

Mr. Anup Gautam, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 27.1.2015 (Annexure P-4) whereby application moved by the petitioner for permission to lead additional evidence, was dismissed.

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

Petitioner has filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the respondent. The case of the petitioner was that she was the legal heir of deceased Chand Rani being her daughter. Admittedly, respondent, in his written statement, had denied the factum of relationship of the petitioner with deceased Chand Rani. Thus, the petitioner was aware of the plea taken by the respondent in his

written statement that he had denied the relationship of the petitioner with deceased Chand Rani. The petitioner was required to substantiate her plea that she was the legal heir of deceased Chand Rani while leading her evidence in the affirmative. However, the application for permission to lead additional evidence was filed at the stage when the case was listed for rebuttal evidence of the petitioner, if any, and arguments. The learned Trial Court, thus, rightly held that the application filed by the petitioner, in the facts and circumstances of the present case, was liable to be dismissed.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 15, 2015
Gurpreet