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

Civil Revision No.4432 of 2016

Date of Decision: 27.07.2016

SMT. OMKANWAR AND ANR

.....Petitioners

Vs

SUKHI CHAND AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Mukesh Yadav, Advocate
for the petitioners.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J. (Oral)

[1]. Defendant Nos.2 and 4/petitioners have filed this revision petition against the order dated 31.05.2016 (Annexure P-3) passed by Civil Judge (Jr. Divn.) Mohindergarh, whereby the application for leading additional evidence filed by the petitioners was dismissed.

[2]. Perusal of record reveals that on 07.10.2015 due to exchange of some hot words between the learned counsel for the parties, the case was deferred for 16.11.2015. On the adjourned date deferred witness Nathu Ram was examined. No

other defendant witness was present. On the request of the learned counsel for the defendant, the case was adjourned to 12.01.2016 for evidence of the defendant. It was made clear that the adjourned date would be the last opportunity for the oral as well as documentary evidence of the defendant.

[3]. On 12.01.2016, no defendant witness was present despite last opportunity. Evidence of defendant No.5 was closed on that day after tendering documentary evidence viz. Ex.D-1 to D-7. The evidence of the defendants was closed by the order of the Court and the case was further adjourned for documentary evidence on behalf of defendant Nos.1, 2 and 4 on 11.02.2016, subject to payment of cost of Rs.300/- to be deposited by defendant Nos.1, 2 and 4 with SDLISA. However, the cost was not deposited, nor the documentary evidence was led on the adjourned date, rather application for adducing additional evidence was moved. The cost remained unpaid on subsequent dates i.e. 02.03.2016, 25.03.2016 and even till date the cost has not been paid.

[4]. Learned counsel for the petitioners contends that petitioner's husband was ailing and was hospitalized from 09.02.2015 to 14.12.2015 in private hospital at Jaipur, then in Paras Hospital at Gurgaon w.e.f. 08.02.2016 to 11.02.2016.

[5]. No medical evidence was brought on record before the

trial Court in respect of ill-health of the husband of the petitioner, nor the cost was paid at any point of time and also no documentary evidence was led. Even, no challenge was made to the order dated 12.01.2016 at any point of time.

[6]. The application for additional evidence was declined by the trial Court on reasoned grounds which are not open to challenge at the hands of the petitioners at this stage.

[7]. In view of above, I find no reason to interfere in this revision petition and the same is accordingly dismissed.

July 27, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes / No