

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

Civil Revision No.5077 of 2016
Date of decision: August 09, 2016

Rajbala ...Petitioner

Versus

Virender Singh & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Munish Gupta, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 2.8.2016, passed by the trial court, whereby application for leading additional evidence in the shape of revenue documents, has been rejected.

Learned counsel for the petitioner has assailed the order. He submits that approach of the trial court is erroneous and against law. Earlier the documents in question were not in the knowledge of the petitioner, therefore, same could not be produced at the appropriate stage.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that a suit for declaration was filed by the plaintiff/petitioner against the respondents seeking declaration qua ownership of her share in the property belonging to her father Hari Singh. At the stage of final arguments, petitioner filed instant application for additional evidence seeking production of some revenue documents. A perusal of

the order shows that eight effective opportunities were granted to the petitioner to lead her evidence and same was ultimately closed on 06.05.2015. Thereafter, after closure of evidence of the defendants, six more opportunities were also afforded to the petitioner to lead rebuttal evidence. After part arguments were heard in the case, petitioner moved instant application on 29.07.2016. She had failed to produce the said documents at appropriate stage. The plea of the petitioner at this stage that she was not aware of the said documents, is not tenable. It is evident that petitioner now wants to fill up lacunae of her case. A perusal of records shows that documents, now sought to be produced by way of additional evidence, are not pleaded in the plaint. I find no infirmity with the order. Besides, counsel for the petitioner has not been able to show any relevance of the documents sought to be produced. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 09, 2016
'Rajpal'