

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

C.R. No. 8014 of 2016

Date of decision : 29.11.2016

Deep Kaur

....Petitioner

V/s

Mamta Devi & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Abhishek Singla, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has preferred the instant revision petition against the order passed by civil court rejecting the prayer to examine photographer, draftsman and witness from vicinity by way of additional evidence.

Learned counsel for the petitioner submits that order is erroneous as opportunity to lead evidence has been denied to the petitioner. Additional evidence sought to be lead is necessary for just decision of the case. Thus, impugned order deserves to be set-aside.

I have heard learned counsel for the petitioner.

It appears that a suit was filed by plaintiff-petitioner seeking declaration to the effect that sale-deed allegedly executed by plaintiff in favour of defendant no. 1 qua plot in question is illegal, null and void and is result of fraud. Prayer for injunction was also made restraining the defendants from alienation, construction etc. over the suit land. Suit was instituted in the year 2013 and plaintiff closed her evidence on 30.09.2015.

An application for additional evidence was moved by plaintiff for production and proving her possession over the suit property by examining

photographer, draftsman and witness from vicinity. Prayer was rejected by the court below observing that there is nothing to show that despite due diligence, such evidence could not be produced earlier by the plaintiff. Plaintiff was having knowledge of the evidence now sought to be produced by her from the very beginning as in the suit filed by her respondents have taken a specific plea in their written statement that plaintiff is not in possession of the suit property. Moreover, plaintiff had exhausted a period of more than two years for concluding her evidence and sufficient opportunities have already been granted to her to conclude her evidence in support of her case. Admittedly, case is at the stage of culmination in fact fixed for arguments today. Present application for leading additional evidence in my considered view has no merit. Besides the fact that petitioner had ample opportunity to lead evidence during the trial, proceedings cannot be prolonged unduly. No interference is required in order passed by the court below. Same is, thus, without any merit and is dismissed.

November 29, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No