

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

Civil Revision No.1097 of 2017

Date of decision: February 15, 2017

Smt. Renu Arora & another

...Petitioners

Versus

Rajiv Arora and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Surinder Sharma, Advocate for the petitioners.

Rajan Gupta, J.

Present revision petition is directed against the order dated 29.10.2016, passed by the trial court, whereby evidence of petitioner/defendant has been closed by order.

Learned counsel for the petitioners has assailed the order. According to him, examination of the concerned clerk/doctor of Civil Hospital, Amritsar is necessary for just adjudication of the matter. Thus, order passed by the court below deserves to be set-aside.

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

It appears, respondent No.1/plaintiff filed a suit for mandatory injunction seeking direction to defendants to open doors of main stairs to first floor and second floor of a house, situated in Hall Bazar, Amritsar. Suit was filed on 15.11.2011. Plaintiff led his evidence. Case was pending for defendants' evidence since February, 2015.

Despite repeated effective opportunities, defendants failed to conclude their evidence and thus, the trial court closed their evidence by order on 29.10.2016. A perusal of records shows that after the trial court closed evidence of the defendant vide impugned order, defendant No.1/ petitioner also filed an application to permit her to examine concerned clerk/doctor of Civil Hospital, Amritsar along with records. Same was dismissed by the trial court, vide order dated 10.01.2017. Defendants challenged the said order by filing a revision before this court, which was dismissed as withdrawn on February 08, 2017. It reveals that defendants have already examined Palwinder Kaur, Junior Assistant, Guru Nanak Dev Hospital, Amritsar as DW-3, who proved the documents relating to her entire treatment. Moreover, despite numerous opportunities, defendants failed to conclude their evidence and thus, the trial court rightly closed their evidence by order. As trial of the case is at its fag end, I find no ground to interfere in revisional jurisdiction. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

February 15, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No