

CR No. 2108 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No. 2108 of 2017 (O&M)
Date of decision: 29.3.2017**

Sunita Rani

...Petitioner

Versus

Tilak Raj and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Jaswal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition filed under Article 227 of the Constitution of India, at the hands of plaintiff, is directed against the order dated 15.3.2017 (Annexure P-3), whereby learned trial court dismissed the application of the plaintiff-petitioner moved under Section 151 of the Code of Civil Procedure ('CPC' for short) for leading additional evidence in the form of some photographs along with newspaper of that date.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that each and every relevant factual as well as legal aspect of the matter was examined, considered and appreciated in the correct perspective by the learned trial court before passing the impugned order. It is a

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matter of record that issues were framed on 1.5.2013. Petitioner took a long period of about 2½ years for leading her evidence. She closed her oral evidence by making a statement before the court on 2.1.2016 and thereafter, documentary evidence was also closed by making a separate statement on 6.2.2016. The alleged additional evidence which was sought to be produced by the petitioner-plaintiff by way of application for leading additional evidence was in her knowledge right from day one. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Further, nature of evidence which was sought to be produced by way of additional evidence was such that it was neither going to help the petitioner nor it was going to facilitate the learned trial court. Once the petitioner has already concluded her evidence in affirmative and there was no other cogent evidence available with her which deserves to be permitted to be produced by way of additional evidence, learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In this view of the matter, it can be safely concluded that the impugned order has been duly supported by sound reasons and it deserves to be upheld, for this reason also.

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No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

29.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No