

Civil Revision No.2804 of 2017

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

Civil Revision No.2804 of 2017
Date of decision: 06.07.2017

Sital Kaur

.....Petitioner

versus

Sucha Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sarbjit Singh Khaira, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Challenge has been laid in instant revision petition under Article 227 of the Constitution of India to the impugned order dated 10.04.2017 passed by the trial Court, accepting the application of respondent No.1/plaintiff under Section 151 CPC for permitting him to prove the list of dowry articles subject to payment of costs of ₹ 1,500/- to be paid to the defendants.

Briefly stated, respondent/plaintiff Sucha Singh had given his daughter Savinder Kaur in marriage to perform respondent No.2 – Balwinder Singh. However, they could not pull on together as husband and wife smoothly due to their temperamental differences and, thus, finally Savinder Kaur obtained ex parte divorce decree. Thereafter, respondent

No.1 filed a suit for mandatory injunction against the petitioner and perform respondents to direct them to hand over/return the dowry articles

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including gold ornaments entrusted to them at the time of marriage of his daughter Savinder Kaur or in the alternative their price amounting to ₹ 15 lakh.

After framing issues, both the parties led evidence to their satisfaction. However, at the fag end of the trial, respondent/plaintiff moved an application under Section 151 CPC to examine his daughter Savinder Kaur to prove the list of dowry articles, photocopy of which was already on record, but remained unexhibited in her examination-in-chief due to oversight. After due contest by the petitioner, the trial Court allowed the aforesaid application of respondent – Such Singh vide impugned order dated 10.04.2017.

Learned counsel for the petitioner contends that allowing the application of respondent under Section 151 CPC at the fag end of the trial vide impugned order would result into *de novo* trial. Respondent/plaintiff should have legally proved the alleged list of dowry articles at the time of leading his evidence in affirmative and, thus, his negligence now could not have been permitted to be covered by the impugned order.

I have given anxious consideration to the submissions made by learned counsel for the revisionist.

Undisputedly, the case at this stage is in the Court of first instance. It is always desirable that entire evidence which can resolve the controversy in between the parties in an effective manner should be taken on record. Photocopy of the dowry articles, now sought to be proved and exhibited, is already on the record and, thus, the petitioner has not been taken by surprise. Trial Court has rightly observed that the petitioner would get an opportunity to cross-examine the witness so to be examined by

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respondent – Sucha Singh. Even otherwise, application of the plaintiff has been allowed with costs.

In view of discussion above, from any angle, I do not find any illegality or perversity in the impugned order.

Resultantly, the revision petition is dismissed.

(Ramendra Jain)
Judge

July 06, 2017
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.