

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

136

CR No.8481 of 2017  
Date of Decision:05.12.2017

Zari Bai

...Petitioner

Versus

Naresh Kumar Arora and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Shiv Kumar, Advocate  
for the petitioner.

**ANIL KSHETARPAL, J.(Oral)**

Defendant No.2-petitioner before this Court is challenging the order dated 12.09.2017 dismissing the application for permission to lead additional evidence. Learned trial Court while examining the file has recorded as under:

*“ I have perused the judicial file. In the instant case plaintiff had closed his evidence on 28.03.2016 and the case proceeded on defendants evidence. But no evidence by the applicant-defendant No.2 led and the Presiding Officer had to passed a stringent order of last opportunity to lead evidence failing which evidence to be closed by court order which was made on 10.03.2017. Thereafter the case was adjourned to 28.03.2017 but still applicant did not bother to lead evidence and on 12.04.2017 led evidence and on account of no other evidence present the applicant's evidence was closed by court order and the case proceeded on rebuttal evidence. Hence, judicial file reveals that applicant-defendant*

*No.2 took twelve opportunities and after four hearings of rebuttal evidence the instant application calling for eight witnesses moved. The applicant-defendant No.2 being an aold lady is no reason for non-examination of the witnesses. She should have led the evidence when the opportunities were given. Twelve opportunities for leading an evidence are sufficient for pursuing the matter. The file does not reveal a single instant that adjournment had ever taken on the ground of old lady or suffering from any ill health. The list of witnesses at this stage is not tenable as no sufficient ground had been shown to the court for allowing the application. Hence, the instant application is devoid of any merit and deserves dismissal as applicant had already been granted several opportunities to lead the evidence and she can not fulfill the lacuna at this stage and thus the application is hereby dismissed.”*

Learned counsel for the petitioner has submitted that no doubt the petitioner had availed 12 opportunities to lead evidence. However, taking into consideration that the petitioner is an old lady and the petitioner could not lead evidence when the opportunity was given, the petitioner should be granted opportunity to lead evidence.

I have considered the submission.

Learned trial Court has noticed the conduct of the petitioner. Petitioner has already availed 12 opportunities but has not produced evidence.

Taking into consideration the conduct of the petitioner, in the considered opinion of this Court, petitioner does not deserve any relief.

Hence, this revision petition is dismissed.

05.12.2017  
*sheetal*

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No