

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

**C.R. No.1427 of 2018 (O&M)
Date of Decision: March 09, 2018**

Gurpal Kaur

...Petitioner

Versus

Jaswinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The petitioner Gurpal Kaur, who was plaintiff/applicant before the Court of learned Civil Judge, Senior Division, NRI Cases, Jalandhar has challenged order dated 09.02.2018 Annexure P/6, whereby, her application for additional evidence was dismissed.

Appreciating the submissions of learned counsel for the petitioner. It is the admitted case of the petitioner that she was married to Pal Singh on 01.03.1987 and fully aware of the same had filed the plaint, led evidence and, thereafter, closed her evidence and when the evidence of the defendant was being examined has moved an application Annexure P/3. The contention of the learned counsel for the petitioner that voter list which she wants to adduce in additional evidence is public document which was not in her possession. As is so and is admitted by the learned counsel for the petitioner, the petitioner was fully aware of this marital status and has led evidence and has failed to either plead about this evidence or leading the

same at the time of examining her witnesses and, thus, apparently by moving such an application she is trying to undo her own gross negligence and to fill in lacuna in her case. With the amendment of the Code of Civil Procedure, 1908 with effect from 1st July, 2002 the provisions of Order 18 Rule 17-A, CPC stood deleted. It is not a case that there is bonafide mistake of the applicant and rather is with a motive to improve upon her case which is legally not permissible. In the impugned order it has been discussed in detail that neither the petitioner as PW1 testified it so and now cannot be allowed to do so. Besides the fact that application has been moved by stranger when her attorney Ramesh Lal never did so.

In view thereof, the present petition being hopelessly without any merits stand dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

March 09, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No