

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1258 of 2019
Date of decision:25.2.2019

Kuldeep Kaur

.. Petitioner

v.

Amarjit Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Dadwal, Advocate for the petitioner.

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AVNEESH JHINGAN, J. (Oral)

The present civil revision petition has been filed being aggrieved of the order dated 7.1.2019 passed by Additional Civil Judge (Senior Division), Jagraon (hereinafter described as 'Civil Court') dismissing the application filed by the petitioner-plaintiff (hereinafter described as 'the petitioner') for adducing additional evidence.

The facts in brief are that the petitioner filed a suit for joint possession of the land in dispute and also prayed for setting aside the transfer deeds and sale deeds. Further relief for grant of permanent injunction restraining the respondents-defendants (hereinafter described as 'the respondents') from alienating the suit land was also prayed on the ground that the land in dispute was joint Hindu family and ancestral coparcenary property and father of the petitioner being karta of joint Hindu family had no absolute power to alienate the property.

The suit was filed in the year 2010. The issues were framed on

31.1.2011. Thereafter, the petitioner availed as many as 26 effective opportunities but failed to conclude the evidence. The evidence was closed vide order dated 20.9.2016. The matter was fixed for respondents' evidence. At that stage, an application was moved by the petitioner with a request to appear in the witness box for her cross-examination. The application was allowed on 4.10.2016. Thereafter, the petitioner approached this Court for grant of another opportunity to adduce evidence to examine Kanungo. One opportunity was provided and Kanungo was examined as PW-5. After conclusion of the evidence by the respondents, the petitioner moved another application to lead additional evidence to tender certain jamabandis. The said application was dismissed, hence the present revision petition.

Heard learned counsel for the petitioner and perused the paper book.

Learned counsel for the petitioner contends that one opportunity be provided to tender the jamabandis in evidence and the same are already on record. He relies on the decisions of this Court in **Phuman Singh and another v. Hazara Singh and others**, 2009(3) R.C.R. (Civil) 671; **Rameshwar and others v. Om Parkash and others**, 2015(3) R.C.R. (Civil) 220 and **Manmohan Singh v. Davinder Kaur @ Mohinder Kaur @ Gurminder Kaur and others**, 2015(5) R.C.R. (Civil) 661.

The contention raised by learned counsel for the petitioner lacks merit. As is evident from the facts that issues were framed in January, 2011 and thereafter, as many as 26 effective opportunities were provided to the petitioner. It would be pertinent to note here that the said 26 effective opportunities were provided over a period of 5 years and 7 months from the date of framing of the issues. Thereafter, an application for cross-

examination of the petitioner was allowed. One opportunity was provided by this Court to adduce in evidence the Kanungo. Now at the fag end, when the matter is fixed for arguments today itself, an application was moved for adducing additional evidence. The entire endeavour of the petitioner to delay the proceedings is evident from the time taken to conclude the evidence.

The judgments relied upon by learned counsel for the petitioner do not enhance his case. There is no quarrel with the proposition that the Court is empowered to allow adducing of additional evidence. The said power cannot be exercised mechanically. There is not even an iota of evidence on record as to what was the reason for not tendering the said jamabandis in evidence at an earlier stage. Such tactics cannot be permitted simply to delay the proceedings.

No interference is called for in the impugned order.

The present revision petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

25.2.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No