IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-5715-2019 (O&M)
Date of decision: 16.09.2019

Ms. Kanta K.C. Yadav and another

...Petitioners

Versus

Garden Estate Residents Welfare Association, Gurgaon

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Yashpal Thakur, Advocate for the petitioners.

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H.S. MADAAN, J. (Oral)

Plaintiff Garden Estate Residents Welfare Association, Village Sikanderpur Ghosi, District Gurgaon had brought a suit for recovery of Rs.3,05,041/- against the defendants Ms. Kanta K.C. Yadav and her husband Kishan Chand Yadav for the reasons that defendants are owners of apartment of Garden Estate, enjoying all the facilities but they are in arrears of maintenance charges with effect from the year 2000 onwards.

The suit was being resisted by the defendants, contending that they are not members of the plaintiff Association and it was agreed between the developers and the defendants that no payment towards maintenance charges would be made and defendants have never paid any maintenance charges to the plaintiff. Parties went to trial. The plaintiff adduced its evidence. As observed in the impugned order, defendants were given 20 opportunities to conclude their evidence. Since they had

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failed to do so, their evidence was closed vide Court order dated 11.12.2017. Thereafter, the defendants moved an application for leading additional evidence to produce purchase agreement dated 02.06.1994. That application was opposed by the plaintiff and vide impugned order, the application was dismissed. Learned trial Court on appreciation of facts and circumstances of the case and law on the subject has declined the request, since the evidence of defendants was closed by order and they have not filed any revision petition, challenging that order and further document was well within their knowledge from the very beginning, now when the case is at the stage of rebuttal evidence and arguments, the defendants can certainly be not allowed to reopen the controversy by producing the purchase agreement, prolonging the trial further, more particularly, when relevance thereof to decide the dispute between the parties is not found to be there. The impugned order passed is well reasoned, based upon proper appreciation of evidence and the factual as well as legal position. There is no illegality or infirmity in the order, much less apparent on the face of it, which might have called for interference by this Court, while exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

16.09.2019 **(H.S. MADAAN)**
sumit.k **JUDGE**

Whether speaking/reasoned : Yes No
Whether Reportable : Yes No

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