

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

CR No.5494 of 2019

Date of Decision : 06.09.2019

Smt. Jannati

.....Petitioner

Versus

Wahid

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Munfaid Khan, Advocate
for the Petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This Revision Petition is directed against the Order dated 16th August, 2019, passed by the Ld. Additional Civil Judge (Senior Division), Sohna, vide which the Petitioner's Application for summoning witnesses in rebuttal evidence, was dismissed.

2. This Court has gone through the impugned order and also heard Ld. Counsel for the Petitioner/Plaintiff.

3. Submission in this regard is that after seeing the defence raised on behalf of the Respondent/Defendant, the Petitioner had supplied the list of her witnesses to her Ld. Counsel but it was omission on part of the Counsel not to have those witnesses examined.

4. In the opinion of this Court, the ploy of putting blame on one's Counsel in pending proceedings is by now too frequently resorted

to by clever litigants with a view to have their own laches covered up. There is nothing on record as to what action has the Petitioner taken against her Counsel for his alleged dereliction of duty or professional misconduct.

5. Even the Application for summoning (Annexure P-3), filed on behalf the Petitioner, in the Ld. Court below, does not disclose any allegation *qua* omission on her Counsel's part.

6. This Court is in agreement with the Ld. Trial Court that at the stage of rebuttal, the Petitioner/Plaintiff could not be permitted to lead affirmative evidence on facts, which were well within her knowledge before evidence from the Defendant's side was commenced.

7. For the aforesaid reasons, this Court finds no substantive merit in the present Petition, which is accordingly dismissed.

September 06, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No