

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.889 of 2022 (O&M)
Date of Decision: 23.03.2022

Kamla

.....Revisionist-petitioner.

Versus

Salochna Devi and another

.....Respondents.

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Ajay Jain, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 03.01.2022 passed by the Civil Judge (Junior Division), Hisar (for short 'the trial Court') whereby the prayer of the petitioner-plaintiff for examining Balbir Singh and Som Sai (Surveyor), Land Solutions Surveyor, as her witnesses in the rebuttal evidence, has been rejected, she has chosen to prefer this revision petition.

I have heard learned counsel for the petitioner in the present petition and have perused the file carefully.

Bereft of unnecessary details, the facts culminating in the instant revision petition, are that the petitioner has filed a Civil Suit against the respondents-defendants for seeking a decree for declaration to the effect that she is owner in possession of the suit land on the basis of the release-deed dated 18.05.2015 as executed by her Uncle named Lakhi in her favour but respondent-defendant No.1, in collusion with respondent-defendant

No.2, has fraudulently got her own name mentioned in the said document. The petitioner moved two applications for seeking permission to lead additional evidence and the first one was allowed whereas the second application had been dismissed by the trial Court. Now, she intends to examine both the above-named witnesses in her rebuttal evidence but however, her prayer in this regard has been declined vide the impugned order.

Learned counsel for the petitioner contends that the petitioner wants to examine both the said witnesses in her rebuttal evidence so as to prove the certified copies of the demarcation report and certain other documents but vide the impugned order, the trial Court has erroneously rejected her prayer to this effect and therefore, the above-said order is liable to be set aside.

However, the afore-raised contention is devoid of any merit because a perusal of the impugned order reveals that the petitioner initially led her evidence and was also allowed to lead additional evidence as prayed for in the first application moved by her for the said purpose. However, the second application moved by her for affording her another opportunity to lead additional evidence has already been dismissed by the trial Court. It being so, she cannot be allowed to fill-up the lacunae in her evidence at the time when the Civil Suit has reached the final stage.

As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, irregularity or perversity in the impugned order so as to call for any interference by this Court.

Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

March 23, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>