

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

CR No.1174 of 2022

Date of Decision: 19.05.2022

Raja Ram Sharma

.....Petitioner

Versus

Smt. Meena Rani

.....Respondent.

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. S.K. Tripathi, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 07.03.2022 (Annexure P-5) passed by learned Civil Judge (Senior Division), Faridabad (for short 'the trial Court') whereby the application, Annexure P-3, moved by the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') for seeking permission to lead additional evidence by examining the Clerk/Record Keeper from the Electricity Department and the President/General Secretary of the Resident Welfare Association concerned as his witnesses, has been dismissed, he (plaintiff) has preferred the instant revision petition.

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

Learned counsel for the plaintiff contends that while leading her evidence, the respondent-defendant (here-in-after to be referred as 'the defendant') has examined the official from the Electricity Department to prove her possession over the disputed property and therefore, the plaintiff wants to examine the above-said witnesses to substantiate the factum of his exclusive possession over the said property but vide the impugned order, the trial Court has wrongly dismissed the application moved by him for this purpose.

However, I do not find the afore-raised contention to be tenable at all because as specifically mentioned in para no.8 of the impugned order, the evidence of both the parties had already been concluded and the case was fixed for leading rebuttal evidence and at that stage, the plaintiff had moved the above-said application and his (plaintiff's) evidence had been closed by the order of the Court on 01.05.2019 and the official of the Electricity Department was examined by the defendant as DW1 and he had brought the record qua the same electricity connection and the plaintiff had ample opportunity to cross-examine him. Moreover, throughout in his application Annexure P-3, the plaintiff has nowhere averred that the witnesses, now intended to be examined by him in his additional evidence, could not be examined by him earlier at the time of leading his evidence in affirmative, despite exercising due diligence or that the record of the Electricity Department as well as of the Resident Welfare Association, as now sought to be summoned through these witnesses, was not in existence at that time.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand stands dismissed.

May 19, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*