

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.119

Civil Revision No.1033 of 2022

Date of Decision: 24th March, 2022.

Smt. Nirmala

...Revisionist-Petitioner

Versus

Satbir Dayanand Sharma & Another

...Respondents

(Heard through Video-Conferencing)

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

Present: Ms. Sharmila Sharma, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of this revision petition, the petitioner assails the order dated 27.10.2021 (Annexure P-3) handed down by the Civil Judge (Senior Division) Sonipat (for short 'the trial Court') whereby the application (Annexure P-1) moved by her for seeking one more opportunity to lead her evidence has been dismissed.

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

Learned counsel for the petitioner contends that the original Agreement to Sell, as relied upon by the petitioner (the plaintiff in the Civil Suit) to stake her claim for the specific performance of the same by the respondents (the defendants in the Civil Suit) got misplaced and hence, she could not produce and prove it on the record but now, this agreement (original) has been traced out and she (petitioner) wants to produce the same in her evidence but vide the impugned order, the trial Court has wrongly

dismissed her application (Annexure P-1) moved for this purpose and therefore, the same deserves to be set aside.

However, this Court does not find the above-raised contention to be tenable at all because concededly, the petitioner has preferred the Civil Suit against the respondents on the strength of the said Agreement to Sell only. In normal course of events, no person, especially a litigant, can be presumed to be careless to the extent of not keeping such valuable document in safe custody specially in the circumstances when he/she claims that the genesis of his/her relief lies in the same. Even otherwise, as specifically observed in Para No.5 in the impugned order, the issues were framed in the Civil Suit on 17.07.2015 and thereafter, the petitioner was afforded as many as 11 opportunities to lead her evidence and on her failure to do so, her evidence was ultimately closed by the Court vide its order on 12.09.2018. Thereafter, the defendants proceeded to conclude their evidence on 24.05.2019 and the case was adjourned for leading the rebuttal evidence and for hearing the arguments and then, the petitioner moved the said application. Thus, it is explicit that the petitioner has not been able to show any cogent and plausible reason for not concluding her evidence despite availing more than sufficient opportunities for this purpose as mentioned above.

As a sequel to the fore-going discussion, it follows that the instant revision petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

24.03.2022.
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether Reportable?	No

