

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

Sr. No. 124

CR No. 1240 of 2022

Date of decision: 04.04.2022

Gurcharan Kaur (Since deceased) through her LR ..Petitioner

Versus

State of Punjab and others

..Respondents

(Heard through Video-Conferencing)

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

Present: Mr. GS Sandhu, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA J. (Oral)

By way of this revision petition, the petitioner (the plaintiff in the Civil Suit) lays challenge to the order dated 29.11.2021 (Annexure P-16) whereby the trial Court has closed her evidence.

The facts, in brief, leading to the filing of the instant revision petition, are that the plaintiff filed a Civil Suit against the defendants-respondents under Section 39 the Specific Relief Act. The defendants filed their written statement and then, the parties were put to the trial on the issues as framed by the trial Court on 21.11.2017. Thereafter, the plaintiff availed several opportunities to adduce her evidence so as to substantiate her averments as set-forth in the plaint but on her failure to conclude her evidence, the trial Court, vide the impugned order, has closed the same.

I have heard learned counsel for the revisionist-petitioner and have also perused the file carefully.

Learned counsel for the petitioner contends that due to some unavoidable circumstances, the petitioner (plaintiff) could not conclude her evidence but the trial Court did not consider this fact and proceeded to close her evidence vide the impugned order and the same deserves to be set aside.

However, the afore-raised contention is not tenable at all because learned trial Court has categorically observed in the impugned order itself that since the framing of the issues, the petitioner had availed as many as 13 (thirteen) opportunities to lead her evidence but had failed to conclude the same, despite the fact that last opportunity had been granted to her for the said purpose and that too, subject to payment of Rs.100/- as cost and neither any witness was produced nor the said cost had been paid by her and no plausible reason for not concluding her evidence had been furnished.

In these circumstances, this Court is of the considered view that there is no illegality, infirmity, irregularity or perversity in the impugned order passed by the trial Court, so as to call for any interference by this Court.

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

04.04.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No