In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 9078 of 2017 (O&M)

Date of Decision: 10.11.2022

Ravinder Kaur

... Petitioner(s)

Versus

Imandeep Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Brij Mohan Vinayak, Advocate
for the petitioner(s).

Mr. A.D.S. Jattana, Advocate
for the respondent No.1 and 2.

Anil Kshetarpal, J.

1. The petitioner herein is defendant No.5. The plaintiffs' suit for grant of decree of declaration that they are owner in possession of the suit property and the sale deed executed by the defendant No.1 in favour of defendant No.5 and various other documents are illegal, null and void is pending.

2. The plaintiffs have filed a suit on 17.02.2014. They have concluded their evidence on 20.10.2016. The defendants' evidence was closed by order of the trial Court on 08.02.2017. Thereafter, on 21.03.2017 in a previous revision petition filed before this Court, the petitioner was given two effective opportunities to lead evidence. After availing those opportunities, the petitioner has filed an application for permission to lead additional evidence in order to produce various documents including plaint, written statement, issues etc. in the earlier litigations. The trial Court has rejected the application on the ground that the application has been filed

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after availing opportunities for addressing final arguments. It has been held that the petitioner had an ample opportunity for producing the proposed documents. Challenging its correctness, the present revision petition has been filed.

3. It is evident that the suit was filed on 17.02.2014. The petitioner was granted two opportunities pursuant to the order of the High Court to lead evidence on 24.04.2017 and 17.05.2017. Thereafter, the case was adjourned for rebuttal evidence, which was also closed vide order dated 17.07.2017. The application for additional evidence was filed only on 14.08.2017. No doubt, the Court should be liberal in permitting the parties to produce evidence, however, the trial of the suits is also required to be concluded expeditiously. The Court is required to maintain balance between the interest of the plaintiff as well as defendant. In the present case, the petitioner has already been granted indulgence. In the application, the petitioner asserted that the aforesaid documents could not be produced due to lack of knowledge of legal proposition involved in the case. Admittedly the petitioner was represented by a counsel from the year 2014.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 10, 2022
"DK"

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No

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