

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

110

CR No.5554 of 2022

Date of Decision: 30.11.2022

Maya Devi

...Petitioner

Versus

Reena Pandey

...Respondent

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

Present :- Mr. Munish Gupta, Advocate and
Mr. Sumesh Mahajan, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision petition, the petitioner-defendant (for short 'the defendant') has laid challenge to the order dated 21.03.2022 (Annexure P-3) passed by learned Civil Judge (Junior Division), Dera Bassi (for short 'the trial Court'), whereby her evidence had been closed and she has also assailed the order dated 28.10.2022 (Annexure P-6), as passed by the trial Court, dismissing the application moved by her under Section 151 CPC with a prayer to recall the order Annexure P-3 and permit her to examine the hand-writing expert and also to lead other oral evidence.

2. I have heard learned counsel for the petitioner-defendant in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the defendant contend that due to the lapse/negligence on the part of the counsel representing the defendant in the trial Court, she (defendant) could not conclude her evidence in time and also could

not examine the hand-writing and finger-print expert while leading her evidence and the opinion of the said expert would be necessary to be brought on the record in view of the fact that she has specifically denied her signatures on the alleged agreement to sell and in these circumstances, the impugned orders are not legally sustainable and the same deserve to be set-aside.

4. However the afore-raised contentions are devoid of any merit because in the impugned order Annexure P-3, the trial Court has categorically observed that the defendant had already availed as many as thirty-one (31) opportunities for concluding her evidence but had not done so and therefore, her evidence was ordered to be closed. It being so, it is explicit that the defendant had been granted more than sufficient opportunities for the above-said purpose but she (defendant) herself had not exercised due diligence at all in defending herself in the Suit by adducing the evidence so as to substantiate her assertions, as set-forth in her written statement and in these circumstances, the contention regarding the negligence/lapse on the part of the counsel representing her before the trial Court, does not suffice at all to grant her any further opportunity for leading the evidence as prayed for by her.

5. As a sequel to the fore-going discussion, it follows that the impugned orders do not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

30.11.2022

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*