

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

**CR No.245 of 2019 (O&M)
Date of Decision: 27.01.2023**

Kartaro Devi

.....Revisionist-Petitioner.

Versus

Balwant Singh and others

.....Respondents.

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

Present:- Ms. Harmanpreet Kaur (Simmi), Advocate
for the revisionist-petitioner.

Mr. Rahul Garg, Advocate
for respondents No.2 (i) and 3.

Respondents No.2 (ii) and 2 (iii) proceeded against
ex-parte vide order dated 26.02.2019.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision-petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to the order (Annexure P-1) passed by learned Civil Judge (Junior Division), Ambala (for short 'the trial Court') on 17.12.2018 in the Civil Suit titled as **"Kartaro Devi Vs. Balwant Singh etc"** whereby her evidence has been closed, while observing that she had been afforded the last opportunity to conclude her evidence but she had failed to do so.

2. I have heard learned counsel for the petitioner-plaintiff as well as learned counsel for respondents No.2 (i) and 3 in the present revision

petition and have also perused the file carefully.

3. Learned counsel for the petitioner-plaintiff contends that the plaintiff happens to be an old lady and despite her best endeavours, she could not conclude her evidence well in time and therefore, she deserves one more opportunity for the said purpose.

4. However, learned counsel for respondents No.2(i) & 3 argues that the impugned order is perfectly legal and justified.

5. A perusal of the file reveals that the afore-referred Civil Suit pertains to the year 2013 and the issues were framed therein on 21.07.2017. Thereafter, the plaintiff availed 16 (sixteen) effective opportunities to lead her evidence but failed to conclude the same. Mere age of the plaintiff can, by no stretch of imagination, be taken to be a relevant factor for granting her any further opportunity to conclude her evidence and that too, in the circumstances when the said Civil Suit is pending adjudication for the last about 10 (ten) years and she (plaintiff) has already availed more than sufficient opportunities for the above-said purpose.

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

January 27, 2023

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
/No