

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

CR No.217 of 2019

Date of Decision: 27.01.2023

Kartaro Devi

.....Revisionist-Petitioner.

Versus

Naresh Garg and another

.....Respondents.

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

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

Respondents proceeded against *ex-parte*
vide order dated 27.10.2022.

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 Versus Naresh Garg 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 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, the above-raised contention is not tenable because a perusal of the file reveals that the afore-referred Civil Suit pertains to the year 2013 and the issues were framed therein on 14.03.2017. Thereafter, the plaintiff availed as many as 22 (twenty-two) 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 specially 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.

5. 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:

Yes

Whether Reportable:

No