

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

CR-3592-2017 (O&M)
Date of Decision: **-01.08.2023**

INDU SANDHU

... Appellants/Petitioner(s)

Versus

MANJIT SINGH SIDHU

... Respondent(s)

-. -

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

Present:- Ms. Rachna, Advocate for
Ms. Sapna Seth, Advocate
for the petitioner.

-. -

KARAMJIT SINGH, J. (Oral)

1. The present revision petition has been filed by the petitioner/plaintiff for setting aside the impugned order 5.5.2017 (Annexure P-4) passed by the court of learned Civil Judge (Junior Division), Chandigarh whereby the evidence of the petitioner has been closed by order in civil suit titled as Indu Sandhu vs. Manjit Singh Sidhu.
2. On notice of motion, respondent put in his appearance through his counsel but today there is no representation on behalf of the respondent and the same was the position even on the last date of hearing.

3. I have heard the counsel for the petitioner and gone through the paper-book.
4. The counsel for the petitioner submits that the dispute is between brother and sister with regard to recovery and collection of rent of joint property. The counsel further submits that due to unavoidable circumstances, the petitioner failed to produce the witnesses and finally the evidence of the petitioner was closed by order by the learned trial Court vide order dated 5.5.2017. The counsel for the petitioner further submits that there is no intention on the part of the petitioner to delay the proceedings. So the counsel made prayer that one more opportunity be provided to the petitioner to adduce her entire remaining evidence.
5. I have considered the submissions made by counsel for the petitioners.
6. Undoubtedly the provision of Order 18 Rule 17-A CPC was deleted w.e.f. 1.7.2002. However, the Hon'ble Supreme Court in **Salem Advocate Bar Association, Tamil Naidu vs. Union of India (2005)6 SCC 344**, held that in spite deletion of provision of Order 18 Rule 17-A CPC, the right to produce evidence at a later stage by way of additional evidence is not taken away as the Court has always inherent power to exercise jurisdiction for advancement of justice in terms of provisions under Section 151 CPC. Thus it is apparent that the Court in exercise of power conferred under Section 151 CPC can allow any party to lead evidence even at a later stage, if it is necessary in the interest of justice.

7. Admittedly in the instant case, testimony of the petitioner and other witnesses is required for just decision of the case. Further it is settled position that the aim of the Court should be to render substantial justice. The appropriate approach should be oriented only towards rendering substantial and complete justice and the technical rules of procedure should not be given precedence over the substantial justice. Furthermore in the instant case, it appears that there is no deliberate neglect on the part of the petitioner to complete her evidence. In the given circumstances, this Court is of the view that no prejudice is going to be caused to the other part if the petitioner is afforded one last opportunity to conclude her evidence. But to balance the equities, the same will be subject to payment of costs.
8. In view of the above, the revision petition is allowed, the impugned order is set aside and one last opportunity is granted to the petitioner to conclude her evidence subject to payment of cost of ₹5,000/- to be paid to the opposite party on the next date fixed before the trial Court.

01.08.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No