

In the High Court of Punjab and Haryana at Chandigarh

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CR-1759-2023 (O & M)

Date of Decision: March 20, 2023

SAVITRI DEVI (DECEASED) THROUGH LRPETITIONER

VERSUS

BANARSI DASS AND OTHERSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Nitin Jain, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 27.02.2023 whereby the application preferred by the respondents for leading additional evidence has been allowed.

Learned counsel for the petitioner submits that the respondents are intentionally delaying the adjudication of the suit and have been preferring one application after the other. Their evidence had been closed 06 years back and thereafter they had moved an application for additional evidence which ought to have been rejected. This is the second application for additional evidence and, therefore, it was misconceived.

Heard.

The trial Court has granted one opportunity to lead evidence subject to payment of Rs.3000/- as costs. It is possible that the respondents are intentionally delaying the matter but that would by itself would not be a ground to interfere in the discretion exercised by the trial court affording respondents an opportunity to lead additional evidence.

Consequently, I do not find any illegality in the impugned order warranting interference under Article 227 of the Constitution of India.

The dispute is stated to be between siblings and, therefore, the trial Court is directed to explore the possibility of settling the same through mediation in terms of Section 89 CPC before adjudicating the case on merits.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

March 20, 2023
A.Kaundal

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