

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

252

Civil Revision No.6830 of 2019

Date of decision :-16.05.2023

Krishna Devi

.....Petitioner

Versus

Om Parkash and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Mr. Gulshan Nandwani, Advocate
for the respondents.

NIDHI GUPTA J. (Oral)

Prayer in this Revision Petition is for setting aside order dated 25.09.2019 (Annexure P-5) passed by the learned Civil Judge (Jr. Divn.), Rewari vide which the application for leading additional evidence filed on behalf of plaintiff/petitioner was dismissed.

Mr. Gulshan Nandwani, Advocate has put in appearance on behalf of respondents and filed his Power of Attorney, which is taken on record.

Learned counsel for the petitioner submits that after framing the issues, the learned trial Court proceeded with the proceedings and the plaintiff/petitioner examined herself as PW1 and in her evidence she could not produce the original agreement dated 24.3.1992 and 23.4.1992 as well as could not examine the Stamp Vendor to prove her case as she had lost the original agreements dated

24.3.1992 and 23.4.1992 but later on when she found the same and brought before her counsel, till then the learned trial Court closed the evidence of the parties and fixed the case for rebuttal evidence and arguments. He further submits that a fraud has been played upon the petitioner by the respondents. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner, who is an old lady of 74 years of age and is mother of respondent No.1 and mother-in-law of respondent No.2 herein, to adduce her aforesaid additional evidence, as grave injustice will be caused to her if she is not permitted to do so.

Learned counsel for the respondent has submitted that the learned trial Court has rightly closed the evidence as per law as the petitioner had been given the opportunity to prove her part.

After hearing learned counsel for the parties, perusing the records and keeping in view the above facts as canvassed by Id. Counsel for the petitioner, in the peculiar facts and circumstances, this petition is allowed and impugned order dated 25.09.2019 (Annexure P-5) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to adduce her entire additional evidence as stated above, however subject to payment of Rs.1000/- as costs to the defendants-respondents.

Disposed of as above. Pending application, if any, also stands disposed of.

May 16, 2023

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No