

CR-6742 of 2023

2023:PHHC:144040

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

CR-6742 of 2023

Date of decision: 09.11.2023

Nagender Singh (since deceased) through his LR

.....Petitioner

Versus

Patwari Halqa and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Jagmohan Ghumman, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been preferred challenging the impugned order dated 11.10.2023 (Annexure P-1) passed by the Court of learned Additional Civil Judge (Senior Division), Sohna, whereby application filed by the petitioner-plaintiff for leading additional evidence, has been dismissed.

2. Brief facts leading to the filing of the present revision petition are that plaintiff filed a suit for declaration with consequential relief of permanent and mandatory injunction to the effect that plaintiff(s) and defendants are in continuous possession of killa No.6/2 & 7 of Rect. No.251 situated within the revenue estate of village Bhondsi, Tehsil Sohna, District Gurugram, prior to commencement of Punjab Village Common Land Act, 1961 and *fard badar* No.57 is illegal. During the pendency of the suit plaintiff filed an application for placing on record certain documents by way of additional evidence.

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The said application has been dismissed vide impugned order dated 11.10.2023 by the Court of learned Additional Civil Judge (Senior Division), Sohna. Hence, present revision petition.

3. Learned counsel for the petitioner contended that application of the petitioner for leading additional evidence has wrongly been dismissed by the trial Court. He further contended that petitioner subsequently came to know that the judicial record, sought to be placed on record by way of additional evidence, was not available on the case file. He further contended that impugned order being not sustainable in the eyes of law is liable to be set aside.

4. I have heard learned counsel for the petitioner and perused the record.

5. Perusal of record makes it crystal clear that at the time of disposal of application filed by the petitioner for framing additional issues, petitioner undertook that he will not lead any additional evidence qua the issues framed and evidence already led shall be read with regard to the additional issues. Moreover, petitioner has availed more than 30 opportunities to conclude his evidence. The application moved by the petitioner is nothing but an abuse of process of law to cause delay in conclusion of the proceedings.

6. Hon'ble Apex Court in ***Gayathri Vs. M Girish*** **2016(3)RCR (Civil) 942** discussing that the disease of prolonging the trial and seeking adjournments has to be curtailed :

“13. In the case at hand, it can indubitably be stated that the defendant-petitioner has acted in a manner to cause colossal insult to justice and to the concept of speedy

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disposal of civil litigation. We are constrained to say the virus of seeking adjournment has to be controlled. The saying of Gita "Awake! Arise! Oh Partha" is apt here to be stated for guidance of trial courts."

7. In view of the above, this Court does not find any infirmity or illegality, much less perversity in the impugned order passed by the learned trial court. Hence finding the present petition as devoid of any merit and no illegality or irregularity in the impugned order, this Court does not find it a fit case to exercise its revisional jurisdiction and interfere with the order of the trial Court. Therefore, the present petition is dismissed.

(NAMIT KUMAR)
JUDGE

09.11.2023
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No