



CR-5245-2024 (O&M)

-1-

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

CR-5245-2024 (O&M)

Date of Decision: 26.09.2024

PREM KUMARI

... PETITIONER

VS.

HARISH GROVER AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present : Mr. Vishal Jassal, Advocate (through V.C)
for the petitioner.

RITU TAGORE , J.(ORAL)

1. This revision is directed against the order dated 17.07.2024 (Annexure P-7) passed by Civil Judge (Jr. Division), Karnal, whereby the evidence of the petitioner/plaintiff has been closed by Court order in civil suit No. 2372 of 2017 titled as 'Prem Kumari Vs. Harish Grover and another'.

2. Learned counsel for the petitioner submits that the petitioner instituted a suit for declaration and permanent injunction to the effect the sale deed bearing Vasika No.115 dated 17.04.2015 and mutation bearing No. 2532 entered and sanctioned on the basis of the aforesaid sale deed is result of fraud/misrepresentation and not binding upon her rights.

3. Learned counsel submits that petitioner/plaintiff's evidence was earlier closed by Court order dated 20.07.2023 (Annexure P-4). The petitioner preferred a revision bearing CR-2092 -2024 before this Court, which was allowed vide order dated 08.04.2024 (Annexuure P-

**CR-5245-2024 (O&M)****-2-**

5), granting one opportunity to the petitioner to present her entire evidence. Learned counsel submits that the petitioner examined two witnesses in her evidence as evident from the order dated 31.05.2024 (Annexure P-6).

4. Learned counsel contends that petitioner intends to examine one official witness i.e. Clerk from UHBVN, Sub Division, Gharaunda for proving the electricity bills and also moved an application on 17.07.2024 to summon the aforesaid witness. However, learned trial Court in arbitrary manner dismissed the application without considering the facts of the case. Learned counsel submits that closure of the petitioner's evidence has seriously prejudiced her rights in the suit and she has been prevented from proving her case. Learned counsel, thus, seeks one more opportunity to examine the witness and a prayer is made to allow the revision petition by setting aside the impugned order.

5. I have heard learned counsel for the petitioner and have gone through the record with his valuable assistance.

6. It is a matter of record that petitioner's evidence was previously closed by Court order. However, she was granted one effective opportunity to lead her entire evidence vide order dated 08.04.2024 passed by this Court in CR-2092-2024 (Annexure P-5). The petitioner examined two witnesses as evident from the order dated 31.05.2024 (Annexure P-6) and the case was then posted for the evidence of the defendant. The perusal of the record shows that the petitioner did not file any application prior to the examination of her

**CR-5245-2024 (O&M)****-3-**

witnesses on 31.05.2024, nor did she do so on the day of their examination. Furthermore, the petitioner has not provided any justifiable reason for failing to examine the proposed witness, whom she now seeks to summon. The petitioner does not appear to have been diligent enough in pursuing her case and should not be allowed to delay the proceedings of the case further. The timely disposal of the disputes aims to make the justice system more efficient and trustworthy.

7. Given the circumstances, the learned trial Court has rightly dismissed the case.

8. As a sequel to the foregoing discussion, it is held that the learned trial Court has rightly exercised the jurisdiction that vested in it and the order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any intervention by this Court.

9. Resultantly, the revision petition is dismissed.

10. Pending application(s), if any, shall also stand disposed of.

26.09.2024
smriti

(RITU TAGORE)
JUDGE

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