

(1996) 08 P&H CK 0179
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 3534 of 1996

Smt. Anju

APPELLANT

Vs

Additional Civil Judge, Senior Division and Others

RESPONDENT

Date of Decision : 30-08-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1996) 114 PLR 412

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : S.P. Singh, for the Appellant;

Final Decision : Dismissed

Judgement

G.S. Garg, J.—Heard. Petitioner who is respondent No.1 in the proceedings pending before the trial court was afforded six opportunities for her evidence and she having failed to. conclude her evidence, the trial court by its order dated 8.8.1996 closed her evidence. A few days later, the petitioner moved an application under Order 18 Rule 17-A of the CPC seeking permission to produce additional evidence. The trial court again considered this application and by detailed reasoned order dated 22.8.1996 dismissed the same. Aggrieved there against the petitioner has filed the present revision.

2. During the course of hearing, it could not be disputed that the petitioner was afforded six opportunities for producing her evidence and she did not conclude her evidence and thus the trial court closed her evidence by order. Concededly, neither the list of witnesses was filed on or before the date fixed for evidence of the petitioner nor any witness was sought to be summoned through court. On one of the dates fixed for evidence of the petitioner, the trial court ordered dasti summons but the petitioner did not collect the dasti summonses and it was thereafter that evidence of the petitioner was closed. I thus see no ground to interfere with the order under revision in exercise of my jurisdiction under Article 227 of the Constitution of India.

3. As regards additional evidence, learned counsel submitted that evidence sought to be produced was of utmost importance and, therefore, in the interest of justice the petitioner be afforded an opportunity to produce the same and the litigant could not be allowed to suffer on account of negligence of the counsel. On a consideration of the matter, I find that nothing has been brought on record to bring the case for production of additional evidence within the four corners of the provisions as contained in Order 18 Rule 17-A of the Code. It has also now been shown that the evidence sought to be produced by way of additional evidence was not in the knowledge of the petitioner or it could not be produced despite due diligence or could not be produced because of certain reasons beyond the control of the petitioner. As already noticed, the petitioner had been afforded six opportunities for her evidence and she took no steps to produce the evidence now sought to be produced by way of additional evidence or any other evidence except one or two witnesses. She herself has not even stepped into the witness box as her own witness so far nor there is a prayer in that behalf in the application seeking production of additional evidence. In this view of the matter, I see no reason to interfere with the discretion exercised by the trial Court. Revision is consequently dismissed.