

(2013) 10 P&H CK 0274

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 6209 of 2013

Gurmit Kaur and Another

APPELLANT

Vs

Satinder Kaur and Others

RESPONDENT

Date of Decision: Oct. 10, 2013

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: Deepak Verma, for the Appellant;

Final Decision: Dismissed

Judgement

L.N. Mittal, J.

Defendants no. 1 and 3 have filed this revision petition under Article 227 of the Constitution of India impugning order dated 25.09.2013 (Annexure-4), thereby dismissing application (Annexure P-2) filed by defendant no. 1 only for additional evidence. The petitioners by way of additional evidence want to tender in evidence copy of divorce decree dated 31.01.1995 passed by Birmingham County Court, United Kingdom. The said decree of divorce was allegedly passed dissolving the marriage of respondent no. 1/plaintiff-Satinder Kaur and her husband Satnam Singh Chauhan since deceased. The application was opposed by the plaintiffs (respondents no. 1 and 2) by filing reply Annexure P-3 wherein averments made in the application were controverted. It was pleaded that there was no divorce between plaintiff no. 1 and her husband.

2. I have learned counsel for the petitioners and perused the case file.

3. Counsel for the petitioners contended that the document is already on the record of the trial Court but could not be tendered in evidence due to inadvertence and, therefore, the proposed additional evidence should be allowed because the document is essential for proper decision of the suit.

4. I have carefully considered the aforesaid contention, which cannot be accepted in the facts and circumstances of the instant case. Initially the defendants failed to

conclude their evidence despite opportunities and consequently their evidence was closed by Court order. Thereafter, they moved an application for additional evidence which was allowed by the trial Court vide order dated 16.01.2013 Annexure P-1. In the said application also, there was reference to the alleged divorce decree dated 31.01.1995 as revealed by order Annexure P-1. In spite thereof, permission to produce the said decree by additional evidence was not sought in the said application although some other documents were sought and allowed to be produced by additional evidence. It is thus apparent that the defendants are interested in only delaying the disposal of the suit. Their negligence has been condoned twice. It cannot be condoned successively any number of times. The suit is already more than eight years eight months old. For the reasons aforesaid, I find that application for additional evidence (Annexure P-1) has been rightly dismissed by the trial Court. There is no perversity, illegality or jurisdictional error in impugned order of the trial Court so as to call for interference by this Court in exercise of power of superintendence under Article 227 of the Constitution of India. The revision petition lacks any merit and is accordingly dismissed in limine.