

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****113****CR-1147-2025 (O&M)****Date of decision: 21.02.2025****Promila****...Petitioner(s)****Vs.****BPS Mahila Vishwavidyalya & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Adit Singal, Advocate  
Ms. Swati Singal, Advocate  
for the petitioner.

**\*\*\*****NIDHI GUPTA, J.**

The present revision petition has been filed by the petitioner/plaintiff under Article 227 of the Constitution of India seeking setting aside of impugned order dated 01.02.2025 (Annexure P8) passed by the Id. Civil Judge, Junior Division, Gohana, District Sonapat, whereby the application of the petitioner filed under Section 151 CPC for adducing additional evidence, has been dismissed.

2. Learned counsel for the petitioner inter alia submits that the learned trial Court is in patent error in dismissing the application of the petitioner for additional evidence as the said additional evidence has material bearing on the issues at hand; and is therefore, necessary for the proper adjudication of the matter. It is submitted that gross injustice will be caused to the petitioner in case the said application is not allowed. Ld. Counsel also refers to the the document dated 24.1.2013 (Annexure P10) which is the Attendance Sheet of the interview in question, to



contend that a perusal thereof would reveal that there was 'hanky-panky' in the selection in question. It is contended that the petitioner has clearly stated in her application (Annexure P-5), that this record came to her knowledge only recently when it was found in the file of Civil Writ Petition No.6417 of 2013. It is reiterated that the said information is necessary for the just and proper decision of the case and would be of great help to the learned trial Court for adjudicating the controversy at hand. It is accordingly prayed that the impugned order be set aside.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. Brief facts of the case are that on 26.02.2018, the petitioner had filed a suit (Annexure P1) seeking a declaration that the selection of defendants No.4 to 8 by defendants No.1 to 3 on the post of Hostel Warden made on 24.01.2013 as well as selection list and interview result to be wrong, illegal, null and void and not binding on the rights of the plaintiff; **and** a further a decree of mandatory injunction be passed in favour of the plaintiff and against the defendants directing the defendants No.1 to 3 to appoint the plaintiff on the said post.

6. In the said Civil Suit, the written statement was filed by the defendants on 04.08.2018 and 01.10.2018 (Annexures P2 to P4). Issues were framed in the matter on 14.01.2019 and case was adjourned for plaintiff evidence to 25.04.2019. From 14.01.2019 till 08.12.2023,



several effective opportunities were granted to the petitioner to conclude evidence. Subsequently, on 08.12.2023, evidence of the petitioner was closed. Almost 1 year thereafter, the petitioner has filed the present application on 23.09.2024 (Annexure P5) for leading additional evidence. Reply thereto was filed by the defendants on 09.10.2024 (Annexures P6 and P7). Vide the impugned order dated 01.02.2025, the above said application of the petitioner has been dismissed.

7. From the above facts, it is clear that more than sufficient opportunity was afforded to the petitioner for leading and concluding her evidence. However, this was not done. As such, it would appear that the present application has been filed by the petitioner merely to delay the proceedings in the suit.

8. Furthermore, learned counsel for the petitioner has referred to the Attendance Sheet dated 24.1.2013 (Annexure P10) of the interview for the post of Hospital Warden in which 5 candidates borne at Serial nos. 11, 20, 23, 34, and 39 have been marked absent. It has been argued that despite being absent in the interview, the said candidates have still been granted marks in the said interview. It is contended that this would show that *"..there is hanky-panky in the entire selection process..."*. I find no merit in the above said contention of the petitioner. The selection of the said candidates borne at Serial nos. 11, 20, 23, 34, and 39 of the Attendance Sheet/ Annexure P10, is not the subject matter of challenge before the Civil Court. The said 'absent' candidates are not



the defendants in the present Civil Suit of the petitioner. As such, allegation of the petitioner is not only vague and unsubstantiated, but appears to be irrelevant to the issue at hand. Even otherwise, the said Attendance Sheet is dated 24.01.2013; whereas present Civil Suit has been filed by the petitioner on 26.02.2018. Thus, said information was available to the petitioner since the year 2013. It has however, been contended by the petitioner that the said information came to her knowledge only recently while going through file of CWP no. 6417 of 2013. Even the said contention of the petitioner is liable to be rejected as the said CWP No. 6417 of 2013 was finally disposed of by this Court vide order dated 7.2.2018 (Annexure P-9). Clearly, the petitioner has failed to exercise due diligence. Moreover, as already noted above, the petitioner has sought opportunities from 14.01.2019 till 08.12.2023 to conclude evidence. Thus, no ground is made out to interfere in the impugned order.

9. In view of the above, present petition is **dismissed**.

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

**21.02.2025**

Sunena

**(Nidhi Gupta)**

**Judge**

**Whether speaking/reasoned: Yes/No**

**Whether reportable: Yes/No**