

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R.No.308/2019

Mrs. Uzma Gul

Versus

Arsalan Ayaz

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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02.10.2019	Sardar Ahmad Khan Maiken, Advocate for the petitioner M/s Saad Ahmad and Shahid Shabbir, Advocates for the respondent.
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Through the instant civil revision petition, the petitioner, Uzma Gul, impugns the order dated 18.07.2019, passed by the Court of the learned Senior Civil Judge, Islamabad, whereby her application for additional evidence and the application for review of the order dated 15.07.2019 were dismissed.

2. The learned Civil Court dismissed the petitioner’s application for additional evidence on the ground that the petitioner’s similar application for additional evidence had already been dismissed vide order dated 01.07.2019. As regards the petitioner’s application for review of the order dated 15.07.2019, the learned Civil Court held that the case was a direction case which had to be decided on 31.07.2019.

3. Vide the said order dated 15.07.2019, a final opportunity was given to the petitioner to produce evidence and notice under Order XVII, Rule 3 of the Code of Civil Procedure, 1908 (“C.P.C.”) was also given.

4. It is not disputed that the evidence of four witnesses produced by the petitioner/plaintiff has been completed. The order sheet reveals that on 01.07.2019, 04.07.2019, 10.07.2019 and 15.07.2019, notices under Order XVII, Rule 3

C.P.C. were given to the petitioner for producing her evidence. Instead of producing evidence on 18.07.2019, the petitioner filed applications for producing additional evidence. Since the plaintiff did not produce evidence, its right to produce further evidence was closed vide order dated 18.07.2019.

5. Learned counsel for the petitioner submitted that since the petitioner had filed a revision petition before this Court against an interlocutory order passed by the learned Civil Court, the petitioner was under no obligation to produce evidence during the pendency of such a petition. Learned counsel for the petitioner, however confirmed that no stay order had been granted by this Court in the said revision petition.

6. Since four warnings on different dates of hearing were given by the learned Civil Court to the petitioner to produce evidence, and since notices under Order XVII, Rule 3 C.P.C. were given to the petitioner on four dates of hearing, I do not find any jurisdictional infirmity in the discretion exercised by the learned Civil Court to close the petitioner's right to produce further evidence. The petitioner had sufficient time to apply to the Court for summoning the Court witnesses, but it did so at the tail-end after seeking enormous adjournments.

7. In view of the above, the instant petition, being bereft of evidence, is dismissed with no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE