

219

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

CR No.11 of 2013

Date of decision: March 09, 2015

Smt. Subhadhra Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. D.S. Nain, Advocate
for respondent No.3.

SABINA, J

Petitioner has filed this petition challenging the order dated 14.12.2012, whereby application moved by the petitioner for permission to lead additional evidence, was dismissed.

Learned counsel for the petitioner has submitted that the petitioner has filed suit for damages, as the underground pipe line laid by the defendants for providing drinking water to the locality had leaked and due to this reason, the house of the petitioner had been damaged. In order to prove the damage, petitioner wants to prove on record photographs taken by Darshan Photo Studio on 20.11.2009 and petitioner wants to examine Subhash Chand residing in his neighbourhood. Learned counsel has further submitted that petitioner be granted on opportunity to enable her to examine the witnesses at her own risk and responsibility.

Learned State counsel and counsel for respondent No.3,

on the other hand, has opposed the petition.

Petitioner has filed suit for damages. Although, petitioner availed ten opportunities to enable her to conclude her evidence, but the fact remains that the examination of photographer would be necessary in the interest of justice to enable the trial Court to decide the lis between the parties in a more just and effective manner.

The case of the petitioner is that on account leakage of underground pipe line laid down by the respondents to supply drinking water to the locality, her house had suffered damage. In this regard, photographs taken by the photographer would enable the trial Court to come to the conclusion as to whether the house of the petitioner had in fact, suffered damage or not. Moreover, the respondents will get an opportunity to cross-examine the witnesses now sought to be examined by the petitioner.

Accordingly, this petition is allowed. Impugned order dated 14.12.2012 is set aside. Trial Court is directed to grant one opportunity to the petitioner to enable her to lead her additional evidence at her own risk and responsibility subject to payment of ₹10,000/- as costs. Costs be deposited with the District Legal Aid Services Authority, Kaithal. Thereafter, the trial Court shall proceed further with the suit in accordance with law.

**(SABINA)
JUDGE**

March 09, 2015

m.singh