

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

Civil Revision No. 1398 of 2015 (O&M)

Date of decision : 7.7.2015

Malti Minhas

.. Petitioner

versus

Bhagwanti Devi and another `

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Amit Dhawan, Advocate for the petitioner

Mr. A. S. Gill, Advocate for the respondents.

Rajesh Bindal, J.

The plaintiff has filed the present petition impugning the order dated 20.2.2015, passed by the learned court below, whereby evidence of the petitioner-plaintiff was closed by order of the court.

Learned counsel for the petitioner submitted that the case was fixed for evidence of the petitioner for the first time on 17.1.2015 after the issues were framed and within a span of about one month giving short dates of hearing, the same was closed by order of the court on 20.2.2015. In fact, the petitioner had already sought permission of the court to summon the witnesses and had deposited their diet money on 13.1.2015. One of the official witnesses, who was to produce the record, did not appear. It was submitted that in case one opportunity is granted, the petitioner will conclude her entire evidence.

On the other hand, learned counsel for the respondents submitted that the respondents were cheated by the petitioner. In fact, the respondents got the FIR registered against the petitioner and witnesses to the alleged agreement to sell. Though the petitioner is on bail, but one of the witnesses to the agreement to sell was declined relief of anticipatory bail by the learned Sessions Judge, however, he is absconding. That witness will never appear in court as a witness. The object is only to delay the proceedings. There is already direction by the learned District Judge, vide order dated 19.8.2014, to dispose of the suit within six months.

Heard learned counsel for the parties and perused the paper book.

The evidence of the petitioner was closed within a short span of about one month. The trial of the suit was to be concluded within a period of six months in terms of the directions issued by the learned District Judge. The petitioner had already deposited diet money of the witnesses, however, they did not appear.

Considering the aforesaid factual matrix, in my opinion, the petitioner deserves to be granted one opportunity to conclude her evidence at her own responsibility. The next date of hearing is stated to be 24.7.2015. Before the respondents-defendants lead their evidence, the petitioner shall be afforded opportunity to conclude her evidence on that date. The same shall be subject to payment of ₹ 5,000/- as costs to the respondents, which shall be paid by way of demand draft.

The petition stands disposed of.

(Rajesh Bindal)
Judge

7.7.2015
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