

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR No. 2682 of 2015

Date of decision:- 23.4.2015

Samarjet Kaur

Petitioner

vs.

Swaran Singh and another

Respondent

Present: Mr. Dhirinder Chopra, Advocate.

M.M.S.BEDI,J.

The petitioner is niece of defendant – respondent No.1 and grand daughter of defendant No.2. After the death of her father, who was brother of defendant No.1 and son of defendant No.2, she has filed a suit for declaration that she is owner in possession of the land to the extent of share, mentioned in heading of the plaint. Despite a number of opportunities having been granted to her, she appears to have failed to produce any evidence. Even last opportunity offered to her despite her undertaking, she seems to have not availed the same. As a natural consequence, the trial court appears to have closed her evidence.

Counsel for the petitioner submits that till date the plaintiff-petitioner has not been given a fair opportunity to produce her evidence.

On asking of the court, counsel for the petitioner submits that the petitioner intends to examine herself and tender some admissible revenue record in case given one opportunity to produce the entire remaining evidence at her own responsibility.

Without expression of any opinion regarding inadequacy of

opportunity having been given to the petitioner, it is deemed appropriate, in the interest of justice, to provide last opportunity to the plaintiff- petitioner to produce her entire evidence by examining herself or by producing any witness besides tendering the revenue record, which is per se admissible.

Issuance of notice to the defendant- respondents might entail unnecessary harassment and expenditure to the defendants, as such, this court deems appropriate that one opportunity be granted to the plaintiff- petitioner to produce her entire evidence at her own responsibility, subject to payment of cost, while deciding the revision petition in limine.

Accordingly, the petition is allowed and the interim order dated 12.12.2014 is hereby set aside with a direction that the trial court shall fix a date within a period of one month after the receipt of a certified copy of the order or on the date already fixed before the trial court, which ever is later, for permitting the plaintiff- petitioner to produce her entire oral and documentary evidence subject to payment of cost of Rs.10000/-. It is made clear that in case the cost is not paid or the evidence is not concluded on one date of hearing, fixed by the trial court, this petition will be deemed to have been dismissed.

April 23 , 2015
TSM

(M.M.S.BEDI)
JUDGE