

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3417 of 2015 (O&M)
Date of Decision: 18.5.2015.**

Om Wati

.....Petitioner

Versus

Jaspal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. M.L.Saini, Advocate
for the petitioner.

Ms. Ekta Thakur, Advocate
for the caveators-respondents.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 20.4.2015 (Annexure P-2) whereby evidence of the petitioner was closed.

Learned counsel for the petitioner has submitted that petitioner now only wants to examine the Patwari to establish the revenue record qua the land in question. Petitioner had deposited the requisite diet money for summoning the Patwari. Learned counsel has further submitted that petitioner be granted one opportunity to enable her to examine the Patwari as a witness.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that petitioner was granted sufficient opportunity to enable her to conclude her evidence but she had failed to do so.

In the present case, respondents have filed suit for declaration. Petitioner has deposited the requisite diet money to summon the Patwari to prove the revenue record qua the property in question. In these circumstances, it would be just and expedient to grant one opportunity to the petitioner to enable her to examine the Patwari as a witness.

Accordingly, this petition is allowed. Impugned order dated 20.4.2015 (Annexure P-2) is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable her to conclude her evidence at her own risk and responsibility subject to payment of ₹ 5,000/- as costs. Costs be disbursed to be respondents. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

May 18, 2015
Gurpreet