

In the High Court of Punjab and Haryana at Chandigarh

CR No.671 of 2009

Date of Decision: 22.07.2015

Guddi Rani

.....Petitioner

Versus

Karam Singh (deceased) through LRs and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Budhwar, Advocate,
for the petitioner.

Mr. O.P.S. Tanwar, Advocate,
for the respondents.

SABINA, J.

Petitioner has filed this petition challenging the order dated 03.12.2008.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for declaration that she is joint owner in possession of the suit property to the extent of 1/4th share. Petitioner, however, failed to appear in the witness box and evidence of the petitioner was closed vide order dated 16.01.2007. Thereafter, petitioner moved an application that she may be permitted to appear in the witness box. Vide the impugned order, the said application was dismissed. Although, petitioner was expected to be vigilant and pursue her case, in case, petitioner is not permitted to appear in the witness box, the trial Court will not

be in a position to dispose of the lis between the parties on merits in a more effective manner. Moreover, in case petitioner is permitted to appear in the witness box as a witness, the lis between the parties will be disposed of on merits and the other side can be compensated with costs.

Accordingly, this petition is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to enable her to appear in the witness box as a witness, subject to payment of Rs.10,000/- as costs. Costs be disbursed to the defendants. Thereafter, the trial Court shall proceed further with the case in accordance with law.

(SABINA)
JUDGE

July 22, 2015
anju rani