

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

CR No.7264 of 2015

Date of decision: 02.11.2015

Prem Chand Mehta

...Petitioner

versus

Punjab National Bank and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Nitish Garg, Advocate,
for the petitioner.

RITU BAHRI, J.

Challenge in this petition is to the order dated 27.08.2015 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Ferozepur, whereby evidence of the plaintiff-petitioner has been closed by order.

Issues in the suit were framed on 22.10.2012. One witness was cross-examined on 27.08.2015. The plaintiff-petitioner has filed this suit for declaration that he is the legal heir of Smt. Pushpa Mehta on the basis of a registered Will dated 24.09.2009. On account of ailment, he could not examine other witnesses i.e. scribe and two attesting witnesses of the Will. Medical documents, in this regard have been attached as Annexure P-4 (Colly.)

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide some time to the petitioner to complete his evidence.

In view of the above, the impugned order dated 27.08.2015 (Annexure P-1) is set aside and one effective opportunity is granted to the petitioner to conclude his evidence by examining aforesaid three witnesses, subject to costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Ferozepur.

Allowed accordingly.

(RITU BAHRI)
JUDGE

02.11.2015
ajp