

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

**CR No.7623 of 2015 (O&M)
Date of decision: 16.11.2015**

Nirmala Devi

....Petitioner

Versus

Lajpat Rai and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gaurav Chopra, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner has come up in revision for setting-aside the order dated 30.09.2015 (Annexure P-7), passed by the Civil Judge (Jr. Division), Abohar, whereby the evidence of the petitioner was closed.

A perusal of the impugned order shows that on 14.08.2015, the case was fixed for 28.08.2015, for evidence on application to determine the status regarding the tenancy rights and only one opportunity was given to conclude the evidence. However, on 28.08.2015, no evidence was present on behalf of the applicant-Nirmala Devi and case was adjourned to 14.09.2015 subject to payment of cost of Rs.1,500/- and even on 14.09.2015,

no evidence was produced and the case was again adjourned to 21.09.2015 and on 21.09.2015, one witness, namely, Sandeep Kumar from Income-tax Department was present but he was not examined and thereafter, the matter was again fixed for 30.09.2015. But, on 30.09.2015, a written request in the form of affidavit of Sh. Anil Gupta was filed for adjournment on the ground that the applicant-petitioner, namely, Nirmala Devi was not well for her cross-examination and the evidence of the petitioner was closed by Court order on 30.09.2015.

On 30.09.2015, only one witness was present and examined, so, the affidavit of Sh. Anil Gupta filed on behalf of Nirmala Devi, is required to be accepted.

Keeping in view the above facts and circumstances, the present revision petition is allowed and the order dated 30.09.2015, passed by the Civil Judge (Jr. Division), Abohar, is hereby set-aside and one opportunity is being granted to the petitioner to conclude her evidence, subject to payment of cost of Rs.3,000/- to be paid to the opposite party.

(RITU BAHRI)
JUDGE

16.11.2015
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