

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 7400 of 2014
Date of Decision: 02.7.2015.**

Ranbir Kaur and another

.....Petitioners

Versus

Paramjit Kaur and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. V.K.Gupta, Advocate
for the petitioners.

Mr. S.K.Arora, Advocate
for the respondents.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 7.10.2014 (Annexure P-4) whereby evidence of the petitioners was closed.

Learned counsel for the petitioners has submitted that, although, the Trial Court had granted opportunity to the petitioners to lead their evidence but due to inadvertence they could not conclude their evidence. Learned counsel has further submitted that one opportunity be granted to the petitioners to enable them to conclude their evidence otherwise they will suffer an irreparable loss.

Learned counsel for the respondents, on the other hand, has opposed the petition.

In the present case, parties are closely related to each other. Petitioners have filed suit for declaration that they were

owners in possession of the suit land. Although, despite opportunity, petitioners have failed to conclude their evidence before the Trial Court, but it would be just and expedient to grant one opportunity to the petitioners to enable them to conclude their evidence. In case the petitioners are permitted to lead their evidence, the *lis* between the parties will be disposed of on merits. Moreover, the respondents can be compensated with costs.

Accordingly, this petition is allowed. Impugned order dated 7.10.2014 (Annexure P-4) is set aside. Trial Court is directed to grant one effective opportunity to the petitioners to enable them to conclude their evidence at their own risk and responsibility subject to payment of ₹ 5,000/- as costs. Costs be disbursed to the respondents-defendants. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

July 02, 2015
Gurpreet