

CR-725-2016

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-725-2016

Date of decision : 02.02.2016

Jal Kaur and another

... Petitioners

Versus

Smt.Paramjit Kaur and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. K.K. Saini, Advocate
for the petitioners.

REKHA MITTAL. J.(ORAL)

Challenge in the present petition is to the order dated 22.09.2015 passed by the trial Court whereby evidence of the petitioners has been closed by order.

Counsel for the petitioners has fairly conceded that though the petitioners were given number of opportunities to adduce evidence and they failed to examine their witnesses except PW1 but it is contended that a serious prejudice is likely to be caused to the petitioners in case they are not permitted to examine other witnesses to sustain their claim in regard to the suit property to the extent of their share in the land measuring 123 kanals 6 marlas situated in Village Kumbra, Tehsil Kharar, District Ajitgarh. It is further argued that the petitioners undertake to conclude their evidence in case one effective opportunity is granted for

the purpose and they would ensure presence of their witnesses on the date fixed.

Counsel has apprised the Court that after closing evidence of the petitioners, the respondents are yet to start their evidence as they have not examined any witness till date. The petitioners are ready to bear the costs for delay likely to be caused in disposal of the case.

I have heard counsel for the petitioners and perused the records.

The issues in the case were framed on 20.10.2014 and since then the case has been adjourned a number of times for evidence of the petitioners and the petitioners could examine only one witness. However, all the dates were fixed within a span of one year from the date of framing of issues and the suit was instituted in the year 2014. Keeping in view the prejudice likely to be caused to the petitioners in case they are not permitted to conclude their evidence, it would be expedient in the interest of justice if the petitioners are allowed one effective opportunity to examine the remaining witnesses subject, however, to payment of costs of ₹5000/- to be deposited with the Legal Services Authority, SAS Nagar, Mohali.

Disposed of accordingly.

(REKHA MITTAL)
JUDGE

February 02, 2016.

Davinder Kumar