

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

-.-

CR 743 of 2016 (O&M)

Date of decision: 29.02.2016

Sukhwant Kaur

..... Petitioner

Versus

Rajinder Singh and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. S S Ranghi, Advocate
for the petitioner

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J. (Oral)

The present petition lays challenge to the order dated 02.01.2016 (Annexure P2) passed by the Civil Judge (Junior Division) Samrala, whereby evidence of the petitioner/plaintiff has been closed by order of the Court.

Counsel for the petitioner fairly concedes that the petitioner has availed of a number of opportunities for adducing evidence but did not conclude the same. It is argued that as the petitioner is residing away from India and has been pursuing the litigation through her attorney Shri Shamsher Singh son of Natha Singh, she could not produce the witnesses resulting closing of her evidence. It is further submitted that the petitioner is ready to deposit the costs, already imposed by the trial Court and is also

ready to pay the costs to be assessed by this Court for delay in conclusion of proceedings due to her failure to conclude the evidence despite case having remained pending for a period of more than three years since framing of issues. The last submission made by counsel is that the petitioner wants to come to India and depose as a witness for herself and in case one effective opportunity is allowed, she would examine herself and a draftsman on the date fixed.

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

Be that as it may, counsel for the petitioner is fair enough to concede that the petitioner has been allowed enough time to adduce evidence but still seeks one opportunity to enable the petitioner to appear as her own witness.

That being so, the petitioner is allowed one effective opportunity to adduce remaining evidence subject to payment of costs imposed by the trial Court and Rs.10,000.00 more as costs out of which 50% shall be payable to the defendants and another 50% shall be deposited with the Legal Services Authorities Samrala well before the date to be fixed by the trial Court for the petitioner/plaintiff's evidence.

Disposed of accordingly.

(Rekha Mittal)
Judge

29.02.2016
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