

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

CR No.7459 of 2016(O&M)

Date of decision:18.11.2016

Nirmal Kaur

....Petitioner

VERSUS

Inderjit Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.K. Arya, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

CM No.23373-CII of 2016

Allowed as prayed for.

Annexure P-5 is taken on record subject to just exceptions.

Disposed of accordingly.

CR No.7459 of 2016

The present petition directs challenge against order dated 18.08.2016 and 24.10.2016 (Annexures P-1 and P-2, respectively) passed by the Civil Judge (Junior Division), Gurdaspur whereby evidence of the petitioner was closed and application for recalling the order dated 30.08.2016 was dismissed.

Counsel for the petitioner has submitted that the petitioner is a Non Resident Indian (in short 'NRI') and she has filed a suit for declaration claiming herself to be co-owner in possession to the extent of 1 kanal 2 marlas of land detailed in head-note of the plaint by challenging the sale deed dated 17.10.2000 to be illegal, null and void and not binding upon her rights. It is further submitted that evidence of the petitioner was closed by order and application filed for recalling the order turned out to be

unsuccessful. It is prayed that the petitioner may be allowed one opportunity to adduce remaining evidence.

I have heard counsel for the petitioner, perused the paper-book particularly the application for recalling the order closing evidence and the order impugned.

In the application for recalling the order, it is averred that the petitioner has to examine her witnesses and produce certain documents. Affidavit of Amrik Singh PW-5 was submitted but he was not cross examined by counsel for the defendants/respondents. The Court below dismissed the application with the observations that perusal of the file reveals that total eight opportunities were availed of by the petitioner and three opportunities were allowed for cross examination of PW-5 and evidence was closed by order on 05.09.2016. The applicant has sought to recall the order dated 30.08.2016 but evidence was closed by order dated 05.09.2016.

Keeping in view that allegations raised in the application are vague coupled with the observations made by the trial Court, I do not think it to be a fit case where the petitioner deserves indulgence of this Court for adducing further evidence.

In view of the above, petition fails and is accordingly dismissed.

NOVEMBER 18, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no