

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

CR No.2038 of 2017

Date of decision: March 21, 2017

Surinder Kaur and another

...Petitioners

Versus

Imandeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Article 227 of the Constitution of India, petitioners have sought setting aside of the order dated 8th February, 2017 (Annexure P-3) passed by Civil Judge (Junior Division), Patti whereby evidence of the petitioners/defendant has been closed by order of the Court.

The contention of learned counsel for the petitioners is that the plaintiff concluded his evidence on 20th October, 2016. Though, thereafter the case was adjourned 5-6 times for the evidence of defendant but petitioner No.1 who is aged about 80 years could not appear to conclude her evidence which resulted into closing of evidence of the petitioners/defendants by order. In the facts and circumstances of the case, petitioners/defendants deserve to be provided an opportunity to produce and conclude evidence.

Thus, by expressing an opinion in regard to validity or genuineness of the impugned order, the instant petition is disposed of with direction to the trial Court to afford two effective opportunities to the petitioners to adduce and conclude their evidence that too at their own responsibility.

Since this order has been passed without giving notice to the respondents/plaintiffs, they would be at liberty to approach this Court if they so feel aggrieved.

March 21, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No