

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

**CR No.3131 of 2017 (O&M)
Date of decision: 01.08.2017**

Manjit Kaur and another

...Petitioners

Versus

Sardool Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Sekhon, Advocate,
for the petitioners.

Ritu Bahri, J.

CM-15661-CII-2017

Zimni orders (Annexure P-3 Colly.) are taken on record.

Misc. application stands allowed accordingly.

CR-3131-2017

Challenge in this petition is to the order dated 28.03.2017 (Annexure P-2) passed by the Civil Judge (Junior Division), Zira, whereby evidence of plaintiff-petitioners has been closed by order.

A perusal of the impugned order dated 28.03.2017 (Annexure P-2) shows that issues in the present case were framed on 19.03.2015. Thereafter, on 05.10.2015, Manjit Kaur-plaintiff (PW-1) and Sunny Sharma (PW-2) were examine-in-chief and their cross-examination was deferred. Statement of Jagpal Singh, Patwari, Halqa Mallanwala, was recorded on 21.12.2015. One Gurmeet Kaur, Peon from the office of Kanungo, got

recorded her statement on 28.11.2016. On 02.01.2017, counsel for the

plaintiffs made a statement that he wanted to summon a file from the office of D.C., Ferozepur. However, the said file could not be produced before the Court and finally, on 28.03.2017, evidence of the plaintiffs was closed by order.

In the present suit, plaintiff-petitioners are seeking declaration that they are owners of the land in dispute pursuant to the Will dated 11.12.2014 executed by Gurdeep Singh in their favour. In order to prove execution of the said Will, they wanted to summon relevant file from the office of D.C., Ferozepur.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioners, this Court deems it appropriate to provide some time to the petitioners to complete their evidence.

In view of the above, the impugned order dated 28.03.2017 (Annexure P-2) is set aside and one effective opportunity is granted to the plaintiff-petitioners to conclude their evidence by summoning the relevant file from the office of Deputy Commissioner, Ferozepur and thereafter, examining the witnesses, subject to costs of Rs.5,000/- to be given to defendant-respondents.

Allowed accordingly.

01.08.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No