

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

CR-3216-2017

Date of decision:5.5.2017

Bachan Kaur through her Special Power of Attorney Joginder Singh  
...Petitioner

Versus

Nishi Gandotra

...Respondent

**CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR**

Present: Mr.KS Derabassi, Advocate for the petitioner

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**SNEH PRASHAR, J.**

Challenge in this petition is to the order dated 19.4.2017 (Annexure P2) passed by learned Civil Judge (Junior Division), Dera Bassi closing the evidence of the petitioner in her application filed under Order IX Rule 13 of the Code of Civil Procedure whereby she had sought setting aside of the judgment and decree dated 6.12.2013 passed in Civil Suit No.188 of 31.5.2013 titled “Nishi Gandotra vs. Bachan Kaur”.

The submissions made by Mr.KS Derabassi, Advocate representing the petitioner have been considered.

Learned counsel for the petitioner submits that the petitioner was accorded only two effective opportunities for producing evidence alongwith the case had to be adjourned repeatedly on one pretext or the other. Earlier counsel for the petitioner could not intimate to her the date fixed in the case and on the date of passing of the impugned order, the petitioner could not reach the court in time due to

some unavoidable circumstances and when she reached, her counsel informed that her evidence has already been closed by court order. Submitting that in case the petitioner is not allowed to lead her evidence in support of her case, it will cause irreparable loss to her, learned counsel prays that only one opportunity be granted to her to conclude her evidence.

To avoid unnecessary delay in the proceedings, in my considered opinion, no notice is required to be given to the respondents.

Considering the facts and circumstances of the case and the fact that virtually only two effective opportunities were granted to the petitioner, she deserves to be given one more opportunity to lead her evidence. The evidence adduced by the parties in fact facilitates the court in arriving at just and proper decision of the matter in issue. Accordingly, the petition is allowed and the impugned order dated 19.4.2017 closing evidence of the petitioner is set aside. learned trial Court is directed to grant one effective opportunity to petitioner to lead her evidence subject to her depositing Rs.3000/- as cost with the District legal Services Authority, Mohali.

However, it is made clear that if the petitioner fails to lead her evidence on the date so fixed by learned trial Court, no further opportunity shall be granted to her.

5.5.2017

gsv

**(SNEH PRASHAR)**  
**JUDGE**

**Whether speaking / reasoned?****Yes / No****Whether reportable?****Yes / No**