

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

CR-752-2017

Date of decision: 3.2.2017

Kulwinder Kaur

...Petitioner

Versus

Deepo Bhatti and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.CS Sharma, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 10.1.2017 passed by learned Additional Civil Judge, Senior Division, Kapurthala vide which the evidence of the petitioner/plaintiff was closed by order.

The submissions made by Mr.CS Sharma, Advocate representing the petitioner have been heard.

Plaintiff- petitioner had filed a suit for declaration to the effect that he alongwith proforma respondents had inherited the estate of deceased Ronki Singh i.e. the land, detail of which was given in the plaint situated in village Allaudi, Tehsil and District Kapurthala as per jamabandi for the year 2010-11. A prayer for decree of permanent injunction restraining the defendants from alienating the suit property from dispossessing her forcibly was also made.

Learned counsel for the petitioner prays that only one opportunity may be granted to the petitioner to lead her entire evidence and it will not cause any prejudice to the other party.

Perusal of the file shows that on 14.12.2016, on the request of the plaintiff, adjournment was granted for producing the entire evidence. No witness was served for the date fixed. She had availed nineteen opportunities to lead her evidence. Keeping in view that more than sufficient opportunities had already been allowed, including many last opportunities, the trial court closed her evidence by order. By no stretch of imagination, it can not be said that the said order suffers from any illegality. Had the plaintiff been serious, she must have produced her witnesses on the adjourned dates. Non-production of those witnesses shows her intention to further delay the trial of the case. As per the provisions of the amended Civil Procedure Code, the plaintiff was entitled to three opportunities but she has been granted much more opportunities and she was even forewarned, by incorporating in the order that last opportunity was being granted to her. No case is made out for grant of any further opportunity to the petitioner/plaintiff to produce the evidence.

Revision petition stands dismissed accordingly.

3.2.2017
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No