

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.8460 of 2016

DECIDED ON: May 30, 2017

LAXMI AND ANOTHER

....PETITIONERS...

VERSUS

RAJJO DEVI

....RESPONDENT...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Goyal, Advocate,
for the petitioners.

Mr. P.S. Jammu, Advocate,
for the respondent.

JASPAL SINGH, J. (Oral)

By virtue of instant civil revision petition preferred under Article 227 of the Constitution of India, the petitioners have sought setting aside of order dated 02.11.2016 (Annexure P-3) passed by Civil Judge (Junior Division), Dabwali, vide which, the evidence of the petitioners/defendants has been closed by the orders of the court.

2. Perusal of impugned order dated 02.11.2016 reveals that as many as 10 effective opportunities were afforded to the petitioners/defendants but it has emerged on record that during the period 04.08.2016 to 02.11.2016 (the date on which the evidence of the petitioners/defendants was closed by the orders of the court), as many as 5 deaths in the family of the petitioners have occurred including the father and brother of petitioners No. 1 and 2. It appears that due to

the aforesaid reasons, the petitioners could not adduce the evidence before the trial court.

3. This Court is of the considered view that to impart justice between the parties as well as to determine the controversy between the parties judiciously and effectively, the impugned order dated 02.11.2016 deserves to be set aside. Consequently, the petitioners/defendants are required to be afforded one effective opportunity to adduce and conclude their evidence.

4. Without expressing any opinion with regard to order dated 02.11.2016, the instant petition is disposed of with a direction to the trial court to afford one effective opportunity to the petitioners/defendants to adduce and conclude their evidence and then to decide the suit in accordance with law.

May 30, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No