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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 129/2017 & CM No.4062/2017

RAZIA BEGUM Petitioner
Through Mr.S.D.Ansari, Advocate

versus

ASHMAT ANONU (SINCE DECEASED)
THR HIS LRS Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **01.02.2017**

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 17.03.2016 by which the application filed by the petitioner under Section 151 CPC for permission to lead evidence was dismissed. The right of the petitioner to lead evidence has been disallowed on 17.10.2015.
2. A perusal of the impugned order would show that the trial court noted that it was contended by the petitioner that the daughter of the petitioner/plaintiff was unwell and the petitioner alongwith her husband had to go to Pakistan to see their ailing daughter. The trial court, however held that copies of affidavits of the witnesses have been placed on record in February, 2014 and after that submission was also made on 05.05.2014 that the petitioner and her husband had gone to Pakistan to meet their real sister.
3. Keeping in account the various opportunities have been given, the application of the petitioner to recall the order dated 17.10.2015 by which

the right of the petitioner to lead evidence was closed, was dismissed.

4. The learned counsel for the petitioner submits that the petitioner wants to examine only three witnesses, namely, Ahlmad of the concerned court and two of the attesting witnesses to the sale deed etc.

5. Though it is true that the petitioner had delayed in leading the evidence, however, in the interest of justice and subject to payment of cost of Rs.5,000/-, one last opportunity is granted to the petitioner to lead evidence.

6. It is made clear that no adjournment shall be granted to the petitioner on the date, i.e. fixed by the trial court for leading evidence of the petitioner.

7. An advance copy of the petition has sent by ordinary process and speed post to the respondent but none is present for the respondent.

8. In view of the above, petition and all the pending applications stand disposed of.

JAYANT NATH, J.

FEBRUARY 01, 2017/v