

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.2052 of 2018(O&M)

Date of Decision: 28.03.2018

Raj Rani

....Petitioner (s)

Versus

Smt. Veena Rani & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Kamal Sharma, Advocate
for the petitioner(s).

HARI PAL VERMA, J. (Oral)

Petitioner-plaintiff has filed the present revision petition under Article 227 of the Constitution of India for setting aside the impugned order 26.02.2018 (Annexure P-5) passed by Civil Judge (Jr. Divn.), Panipat, whereby the evidence of the petitioner-plaintiff was closed by order.

Learned counsel for the petitioner has argued that the petitioner-plaintiff has filed a suit for declaration to the effect that she is owner in possession of the suit land and respondent-defendant no.2 has executed a sale deed in favour of respondent-defendant no.1 by impersonating the petitioner-plaintiff and thereby, has committed fraud upon her. He further submits that though ample opportunities have been granted to the petitioner to lead her evidence but she seeks one more

opportunity to conclude her evidence. The petitioner undertakes not to seek any further adjournment during her evidence. Learned counsel has further argued that on certain occasions, the case was not put up before the Presiding Officer because of transfer of the Judge and on one occasion, the Presiding Officer was on casual leave for half day. However, without commenting on the aforesaid proceedings, he prays that one more opportunity be granted to her in the interest of justice.

I have heard learned counsel for petitioner and perused the impugned order.

Various zimni orders show that ample opportunities have been granted to the petitioner-plaintiff to lead her evidence. On certain occasions, the Court was even constrained to impose costs of Rs.500/- upon the petitioner-plaintiff, for not concluding her evidence, as reflected in zimni order dated 07.02.2018 passed by the Court below. But considering the fact that the suit has been filed by the petitioner-plaintiff, challenging the sale deed executed by respondent-defendant no.2 while impersonating the plaintiff and the petitioner is an old lady pursuing her suit since 2013, apparently it looks that the petitioner-plaintiff would not like to delay the proceedings while not concluding her evidence.

Therefore, considering the limited prayer of the petitioner-plaintiff, the present petition is allowed, impugned order dated 26.02.2018 (Annexure P-5) passed by Civil Judge (Jr. Divn.), Panipat, is set aside and one more opportunity is granted to the petitioner-plaintiff to conclude her evidence, however, subject to payment of costs of Rs.5,000/-, which shall

be paid by the petitioner-plaintiff to the District Legal Services Authority, Panipat.

The present petition has been disposed of, at this stage, without issuing any notice to the respondent-defendants for the reason that in case notice is issued to the respondents, it will further cause delay to the proceedings.

March 28, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No