

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

Sr. No.131

CR-7271-2018 (O&M)
Date of decision: 25.10.2018

Swaran Kaur

....Petitioner

versus

Swaran Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 04.09.2018 passed by the Civil Judge (Senior Division), SAS Nagar, Mohali (for short- 'the Trial Court'), through which the petitioner's evidence has been closed.

Learned counsel for the submits that the Trial Court has erred by recording in the impugned order that five effective opportunities were granted to the petitioner/defendant to lead her entire evidence as in fact only three had been granted. It is further submitted that the petitioner, who is a widow and a senior citizen, on payment of reasonable costs, seeks only one effective opportunity to lead her entire evidence.

A perusal of the interim orders as produced by the learned counsel for the petitioner shows that three opportunities were granted to the petitioner but she did not lead her entire evidence.

In line with the principles of natural justice and for the reason that the petitioner may not be precluded from leading her entire evidence at the trial stage as also that the petitioner is a senior citizen and a widow, subject to payment of ₹20,000/- as costs, which the petitioner shall pay to the respondents/plaintiffs, after setting aside the impugned order, the petitioner is granted one and only one effective opportunity to lead her entire evidence. The same be led either on the next date fixed before the Trial Court or within a fortnight thereafter.

The petition is allowed in the above terms.

If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

October 25, 2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No