

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 7494 of 2018

Date of Decision: 13.12.2018

Rajpati

.....Petitioner

Versus

PartapSingh @ Prita and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

AVNEESH JHINGAN, J.(oral)

The present civil revision petition has been filed being aggrieved of the order dated 11.05.2018 passed by the Civil Judge (Junior Division), Karnal, closing the evidence of the plaintiff,

The facts in brief are that the petitioner/plaintiff filed a suit for possession and mesne profit with consequential relief of permanent injunction. The pleadings were complete and the case was fixed for evidence of the plaintiff. The petitioner/plaintiff inspite of availing number of opportunities failed to conclude the evidence, the learned Trial Court vide order dated 11.05.2018 closed the evidence of the petitioner/plaintiff, hence, the present petition.

No one has put in appearance for respondent inspite of service.

Learned counsel for the petitioner argued that only one evidence i.e. plaintiff herself has to appear as a witness and one opportunity may be granted to conclude the evidence. He further contended that on earlier occasion PW1 and PW2 had appeared but the matter was adjourned atleast

the said witness. He further stated that the petitioner/plaintiff was out of country and could not appear as witness.

The contention raised by learned counsel for the petitioner deserve acceptance.

From the zimni orders attached with the petition, it is evident that on 20.02.2018, PW1 and PW2 were present for cross-examination, but they could not be examined as the case was adjourned on request of counsel for respondent-defendant. Thereafter, the petitioner went out of the country. Keeping in view the facts and circumstances of the case, the order dated 11.5.2018 closing the evidence of plaintiff is set aside. Learned trial Court shall afford the petitioner one opportunity to conclude her evidence. The evidence shall be concluded within three weeks from today.

The petition is accordingly allowed, subject to costs of Rs.10,000/- to be paid to the respondent.

13.12.2018

reema

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No