

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

SAO No.7 of 2018 (O&M)

Date of decision : January 17, 2018

Gurpal Singh and others

..... Appellants

Versus

Amarjit Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Aseem Sharma, Advocate for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This is the second appeal against the order dated 29.11.2017 passed by learned District Judge, Fatehgarh Sahib, vide which in an appeal, the case has been remanded and two more opportunities have been granted to the plaintiff-respondent to lead evidence.

Heard.

It comes out that the suit of the plaintiff-respondent was dismissed under Order 17, Rule 3 CPC by closing the evidence by order.

According to learned counsel for the petitioners, six opportunities were granted to the plaintiff-respondent and thereafter evidence was closed by order and for want of any evidence, the suit was dismissed.

In appeal, the learned District Judge, Fatehgarh Sahib has taken the view that the plaintiff-respondent is an illiterate lady and therefore, considering the facts and circumstances, the order dated 19.09.2016 passed by the trial court was set aside and two more effective opportunities were granted to her to lead evidence.

Learned counsel for the petitioners has also referred to the signatures of the plaintiff-respondent appearing on one of the papers attached with the petition.

A perusal of aforesaid signatures shows that these are the signatures of an illiterate person, who can merely write her name. It being so, it cannot be said that the view taken by the learned District Judge, Fatehgarh Sahib is incorrect. The learned District Judge, Fatehgarh Sahib has merely granted two more opportunities to the plaintiff-respondent to lead evidence.

In the circumstances when the learned District Judge, Fatehgarh Sahib has considered all the facts and circumstances, no interference by this Court is called for.

As such, the present appeal stands dismissed.

(KULDIP SINGH)
JUDGE

January 17, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No