

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211

CR-6016-2018

Date of decision : 15.07.2019

Kuldip Kaur @ Marina Jayne Squires

..... Petitioner

VERSUS

Bachan Kaur @ Manjit Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saurabh Arora, Advocate, for the petitioner.

None for respondent No. 1.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 12.07.2018, passed by the Civil Judge (Junior Division), Gurdaspur (for short, the Trial Court), directing closure of the petitioner's evidence.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioner filed a suit seeking therein to set aside judgment and decree dated 14.12.2007, passed by the Civil Judge (Junior Division), Gurdaspur in Civil Suit No. 540 of 2007 “*Bachan Kaur @ Manjit Kaur vs General Public*”. Permanent injunction to restrain respondent No. 1- Bachan Kaur @ Manjit Kaur from relying upon the aforesaid judgment and decree as also to restrain her from alienating the property which was the subject matter of the aforesaid judgment and decree was also sought.

Inter alia the case set up by the petitioner was that through the aforesaid judgment and decree respondent No. 1 had usurped the property of the petitioner's late husband-Pyara Singh. According to her, respondent No. 1 had filed the aforesaid suit against the General Public behind her back and at the time when the petitioner was abroad. Through such suit she had claimed the petitioner's late husband's property. According to the petitioner fraud had been

played upon her by respondent No. 1 and details with regard to such fraud came to her notice through the internet.

On being put to notice, respondent No. 1 appeared before the Trial Court and contested the petitioner's suit. After framing of issues, the petitioner led evidence but when after grant of several opportunities she failed to conclude her entire evidence, the Trial Court through order dated 12.07.2018 ordered closure of her evidence. Such order is under challenge in the present proceedings.

Learned counsel for the petitioner submits that subject to payment of reasonable costs, the petitioner be granted two effective opportunities to conclude her entire evidence.

No one has put in appearance on behalf of respondent No. 1 and this is in spite of the fact that the learned counsel who had earlier put in appearance on behalf of respondent No. 1 had been duly informed by the Registry with regard to the listing of the matter today.

A perusal of the interim orders passed by the Trial Court reveals that though there has been some delay on the part of the petitioner in leading her evidence but several adjournments are also found to have been sought and got at the request of learned counsel appearing on behalf of respondent No. 1 before the Trial Court and on some occasions the suit is found to have been adjourned as the Trial Judge was on leave.

In view of the fact that through her suit, the petitioner, who is a widow, alleges fraudulent transfer of her late husband's property at the time when she was abroad and in line with the principles of natural justice as also not to preclude the petitioner from leading her entire evidence at the threshold of the suit filed by her, subject to payment of ₹20,000/- as costs, to

be paid by the petitioner to respondent No. 1, the impugned order is set aside and the petitioner is granted two effective opportunities to lead her entire evidence.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to respondent No. 1 are transferred to respondent No. 1's bank account.

The petition is allowed in the above terms.

15.07.2019
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No