

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

104

Civil Revision No.6393-2018(O & M)

Date of Decision:22.02.2019

Neelam Rani

....petitioner

Versus

Aditya Kumar and another

.....respondents

CORAM: HON'BLE MR.JUSTICE DEEPAK SIBAL

Present: Mr.Yowan Sharma, Advocate
for the petitioner

None for respondent No.1

Mr.Madan Sandhu, Advocate
for respondent No.2

DEEPAK SIBAL, J.(ORAL):

The present petition is directed against the order dated 13.07.2018 passed by the Additional Civil Judge (Senior Division), Dera Bassi (for short, “the trial Court”), ordering 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 recovery from the respondents of Rs.46,21,252/-, with future interest. Sale deed dated 13.01.2012 was also sought to be declared as null and void.

Upon notice, the respondents, who were defendants before the trial Court, appeared before the trial Court and refuted the petitioner's claim. Thereafter, the trial Court framed the issues. On 13.07.2018, the trial Court passed the impugned order, ordering closure of the petitioner's evidence on the ground that in spite of grant of sufficient opportunities, the petitioner

had not led her entire evidence.

Learned counsel for the petitioner submits that he seeks to produce only two witnesses, one of whom is the clerk from the Office of the Sub-Registrar, Dera Bassi and the other is the Branch Manager of South Indian Bank, Sector 20, Panchkula. He further submits that if the petitioner is granted one effective opportunity at her own risk and responsibility, she would produce both these witnesses on the next date before the trial Court or within a period of 15 days.

Learned counsel for the petitioner and respondent No.2 have been heard.

A perusal of the interim orders passed by the trial Court reveals that the approach of the petitioner has not been casual to invite a harsh order of closure of her evidence as on most dates the petitioner is found to have led her evidence. In line with the principles of natural justice and not to preclude the petitioner from leading her evidence at the initial stage of the trial, the impugned order is set aside and the petitioner is granted one effective opportunity to lead her entire evidence at her own risk and responsibility.

For the laxity on the part of the petitioner, she is directed to pay ₹5,000/- as costs to the respondents.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

February 22, 2019

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Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No