

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 107

Case No. : C. R. No. 7665 of 2018 (O&M)

Date of Decision : April 09, 2019

Neeru Narang Petitioner

vs.

Dr. Rakesh Kumar Soni and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Sandeep Jasuja, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 18.08.2018 passed by the Civil Judge (Junior Division), Fazilka (for short – the Trial Court) closing the petitioner's evidence for the reason that in spite of having availed sufficient opportunities, she had failed to conclude her evidence.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition are that the petitioner filed a suit seeking therein to be declared owner of 1/3rd share in the properties/shares/debentures, detailed and described in the head note of the plaint (for short – the suit property).

On being put to notice, the respondents, who were defendants in the suit, appeared before the Trial Court and filed their written statement. Thereafter, the Trial Court framed issues. For the reason that the petitioner-plaintiff had not led her entire evidence even after she was granted several opportunities, through the order under challenge in the present proceedings, her evidence was ordered to be closed.

Learned counsel for the petitioner submits that the delay, if any on the part of the petitioner to lead her entire evidence was bona fide and attributable to the witnesses she intended to produce. He submits that subject to payment of reasonable costs, at her own risk and responsibility, the petitioner be granted one opportunity to lead her entire evidence.

After considering the afore-submissions made by learned counsel for the petitioner and in line with the principles of natural justice as also not to preclude the petitioner from producing her entire evidence at the threshold of the litigation instituted by her, subject to payment of Rs.30,000/- as costs, to be paid by the petitioner to the respondents, the impugned order is set aside and it is directed that the petitioner be granted one effective opportunity to lead her entire evidence.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to the respondents are transferred to their respective bank accounts.

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

April 09, 2019

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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.