

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

**CR No.8358 of 2018
Date of Decision: 16.05.2019**

Saraswati

Petitioner

Versus

Arti Devi and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Johan Kumar, Advocate
for the petitioner.

AVNEESH JHINGAN, J (Oral):

Aggrieved of order dated 13.11.2018 passed by the Civil Judge (Junior Division), Faridabad [hereinafter referred to as 'the Civil Court'] closing the evidence of the petitioner/plaintiff, the present Civil Revision Petition has been filed.

The facts in brief are that the petitioner/plaintiff filed a suit for specific performance of agreements to sell dated 21.10.2013 and 05.05.2014. On notice, the pleadings were complete. The case was fixed for evidence of plaintiff and some of the witnesses were examined. The petitioner wanted to summon Shiv Charan, *Lambardar*, for which diet money was deposited. The service could not be effected for want of correct address. The matter was adjourned to 13.11.2018 for filing the correct address. On

13.11.2018, one witness was examined and certain documents were tendered. The Civil Court relied upon the statement made by learned counsel for the petitioner and closed the evidence by order.

Learned counsel for the petitioner states that the counsel for the plaintiff never made a statement for closure of evidence. He has annexed the statements made on 13.11.2018. He states that he wants to examine only one witness i.e. Shiv Charan, *Lambardar*.

None has put in appearance for the respondents.

From the statement dated 13.11.2018 of Mr. D.P. Gautam, Advocate for the plaintiff, which is placed on record, it is evident that he has not made any statement for closure of the evidence.

The impugned order is set aside. The matter is remitted back to the Civil Court to decide the issue with regard to providing opportunity to the petitioner to produce one last witness.

Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

May 16, 2019

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	No