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

CR No.1077 of 2019

Date of Decision : 25.03.2019

Smt. Santra

Petitioner

Versus

Smt. Rajbala and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

None for the respondents.

AVNEESH JHINGAN, J (Oral):

The present Civil Revision Petition has been filed by the petitioner being aggrieved of order dated 17.12.2018 passed by the Addl. Civil Judge (Sr. Division), Sonapat [hereinafter referred to as 'Civil Court'], closing the evidence of the petitioner-plaintiff.

The facts of the case are that a suit for possession by way of specific performance of agreement to sell dated 22.09.2008 with consequential relief of permanent injunction was filed. During the pendency of the suit, petitioner wanted to take the expert opinion of Forensic Science Laboratory (FSL), Karnal for comparison of signatures and thumb impression of the respondent No.1/defendant on agreement to sell. The diet

money was deposited but the Expert never appeared and the evidence was closed. Hence the present revision petition.

Learned counsel for the petitioner argues that though the petitioner had deposited diet money, but the Expert from FSL, Karnal was not coming for giving evidence, it is for this reason that the petitioner could not complete her evidence. He states that one opportunity be provided and she will on her own responsibility, ensure presence of witness and conclude her evidence.

Considering the fact that only witness to be produced is the official of FSL, Karnal and in view of the statement made by learned counsel that petitioner will ensure the presence of witness and conclude her evidence, the impugned order is set aside subject to payment of costs of ₹5,000/- to be paid to the respondents.

The Civil Court shall grant one opportunity to the petitioner to conclude her evidence.

None has put in appearance on behalf of respondents, in case any grievance survives, respondents would be at liberty to revive the petition by moving an application.

The Civil Revision Petition is allowed.

[AVNEESH JHINGAN]
JUDGE

March 25, 2019
pankaj baweja

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