

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

Sr. No.117

CR-2185-2019 (O&M)

Date of decision: 01.04.2019

Gurmailo and another

....Petitioners

versus

Lalit Ghosla and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Tajeshwar Singh Sullar, Advocate
for the petitioners.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 22.01.2019 passed by the Civil Judge (Junior Division) Ambala, ordering the closure of the petitioners' evidence.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioners filed a suit seeking therein to be declared owners in possession of a house detailed and described in the head note of their plaint (for short – the suit property). Consequential relief of permanent injunction to restrain the respondents, who were the defendants in the suit, from dispossessing the petitioners or from demolishing the suit property was also sought. On being put to notice, the respondents appeared before the Trial Court and refuted the case set up by the petitioners. Thereafter, the Trial Court framed the issues after which the petitioners were granted several opportunities within which they did not complete their evidence leading to the passing of the impugned order.

Learned counsel for the petitioners submits that subject to assessment of reasonable costs, the petitioners be granted one effective

opportunity to lead their entire evidence in the form of electricity bills as also receipts issued by the Municipal Corporation, Ambala with regard to payment of house tax by the petitioners qua the suit property. He submits that such evidence goes to the root of the matter and therefore, the petitioners be granted the sought opportunity to lead such evidence.

The petitioners' suit is for declaring them owner in possession of the suit property. The evidence sought to be led by them which is in the form of electricity bills as also the house tax receipts allegedly pertaining to the suit property if brought on record would certainly assist the Court to arrive at a just and fair decision.

In view of the above and in line with the principles of natural justice as also for the reason that the petitioners may not be precluded from leading their evidence at the threshold of the suit instituted by them, subject to payment of Rs.30,000/- as costs, to be paid equally by the petitioners to respondents No.1 to 3, the impugned order is set aside and the petitioners, at their own risk and responsibility, are granted only one effective opportunity to lead their entire evidence.

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 01, 2019
Jyoti 1

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