

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

**CR No. 5030 of 2019**

**Date of decision: 22.08.2019**

**Sarabjit Kaur through SPA**

**...Petitioner**

**V/s.**

**Baljinder Kaur and others**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Ajiteshwar Singh, Advocate for the petitioner.

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**RITU BAHRI, J. (Oral).**

The petitioner is challenging the order dated 16.07.2019 (Annexure P-18) whereby the evidence of the plaintiff has been closed in the suit filed by the plaintiff. The issues were framed on 18.07.2017 and the application under Order 39 Rules 1 and 2 CPC was allowed and the defendants were restrained from alienating, selling, mortgaging, etc. of the suit property till the pendency of the suit (Annexure P-5). An appeal against the order dated 18.07.2017 was filed before the appellate Court and the record of the trial Court was with the appellate Court from 17.01.2018 to 18.12.2018. The appellate Court returned record on 18.12.2018 and thereafter the plaintiff was given opportunity to lead evidence.

Learned counsel for the petitioner, while referring to orders dated 17.11.2018 and 18.12.2018 of the trial Court, submits that file was received back on 18.12.2018 and last opportunity was given for evidence of the plaintiff. Keeping in view these orders, the evidence of the petitioner cannot be closed on the ground that plaintiff had taken many opportunities to examine witnesses. On a specific query put, learned counsel for the petitioner states that only two witnesses have to be examined.

Petition is allowed and the order dated 16.07.2019 (Annexure P-18) is being set aside. The trial Court is directed to give one effective opportunity to the petitioner to examine two witnesses and thereafter proceed with the trial subject to deposit of Rs.5,000/- with the District Legal Services Authority, Phillaur by the petitioner.

**22.08.2019**  
**Divyanshi**

**(RITU BAHRI)**  
**JUDGE**

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|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>Yes/No</b> |