

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

**CR-6715-2019 (O&M)
Date of decision: 23.10.2019**

Geeta Taneja

...Petitioner

Versus

M/s Vikram Electric Equipment Pvt. Ltd. & another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 24.09.2019 passed by the Additional Civil Judge (Senior Division), Gurugram, whereby evidence of defendant-petitioner has been closed by order.

Learned counsel for the petitioner states that plaintiff-respondent no.1 had filed a suit for recovery against defendants (petitioner and respondent No.2). During the pendency of that suit, defendant No.1-petitioner was declared exparte. Vide judgment dated 31.08.2012 (Annexure P-6) passed by the trial Court, said suit was decreed exparte against the petitioner. Thereafter, petitioner filed an application (Annexure P-7) under Order 9 Rule 13 CPC for setting aside the exparte judgment dated 31.08.2012. During pendency of this application, three witnesses were examined by the petitioner. Out of these three witnesses, one was examined on 24.09.2019. He further contends that other two witnesses were official witnesses i.e. (i) concerned person of Food and Supply Office, NIT, Faridabad and (ii) Ranjeet Singh, Process Service, District Courts,

Gurugram. Diet money, for summoning them, was also deposited, as is evidence from Annexure P-10. However, after availing 09 opportunities, present petitioner could not conclude her evidence. Learned counsel prays that two more opportunities may be provided to the petitioner to conclude her evidence.

In the given circumstances of the case, to impart complete justice to the parties, it would be appropriate, if adequate opportunity is provided to the parties to lead their evidence.

Accordingly, the impugned order dated 24.09.2019 is set aside and trial Court is directed to provide two effective opportunities to defendant No.1-petitioner to examine aforesaid witnesses and to conclude her entire evidence. Trial Court will also give one opportunity to the petitioner to tender her documents.

Allowed accordingly.

23.10.2019
ajp

(RITU BAHRI)
JUDGE

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