

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7483-2019 (O&M)
Date of decision: 26.11.2019

Shivani Mahajan

.....**Petitioner**

versus

Smt.Ranvir Kaur

.....**Respondent**

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr.P.L. Verma, Advocate for the petitioner

Deepak Sibal, J. (Oral)

The present petition is directed against the order dated 27.09.2019, passed by the Civil Judge (Junior Division), Phagwara (for short, the Trial Court), ordering closure of the petitioner/defendant's evidence.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition are that the respondent filed a suit seeking therein possession of land measuring 12 marlas, detailed and described in the head note of her plaint. On being put to notice, the petitioner who was the sole defendant, appeared before the Trial Court and contested the respondent's claim. Thereafter, the Trial Court framed issues and the respondent/ plaintiff led her entire evidence. When even after grant of five opportunities the petitioner/defendant failed to lead any evidence the Trial Court ordered closure of the petitioner's evidence. Such order of the Trial Court is under challenge in the present proceedings

Learned counsel for the petitioner submits that the petitioner could not lead her evidence due to the fact that collecting material to lead

her evidence took some time and that there was some communication gap between herself and her counsel appearing for her before the Trial Court. He prays that the petitioner be granted one effective opportunity to lead her entire evidence.

After considering the afore-submissions made by learned counsel for the petitioner and in line with the principles of natural justice as also not to preclude the petitioner from raising her defence at the threshold of the litigation which she is facing, subject to payment of ₹25,000/- as costs, to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one effective opportunity to lead her entire evidence at her own risk and responsibility.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to the respondent are transferred to the respondent's bank account.

The petition is allowed in the above terms.

If the respondent is aggrieved by passing of the present order, she is at liberty to approach this Court by filing of an appropriate application.

26.11.2019

gk

**(Deepak Sibal)
Judge**

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No