

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

CR No. 8420 of 2018

Date of decision:- 21.02.2019

Naida

---Petitioner.

Versus

Smt. Nazma and another

---Respondents.

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. Gopal Soni, Advocate,
for the petitioner.

AVNEESH JHINGAN J. (Oral)

The present civil revision petition has been filed against the order dated 28.03.2018 passed by Civil Judge (Junior Division), Ferozepur Jhirka, Distt. Mewat (hereinafter referred to as 'Civil Court') whereby the evidence of the petitioner was closed and order dated 13.10.2018, whereby application seeking opportunity to lead additional evidence was dismissed.

The brief facts of the case are that Smt. Nazma-respondent No 1 (petitioner in the civil Court, hereinafter referred to as respondent No.1) filed an election petition. On notice the petitioner (respondent No.2 in the Civil Court) (hereinafter referred to as petitioner) filed a written statement. Therafter, the evidence of respodnent No. 1 was completed and the matter was fixed for evidence of the respondents. Vide order dated 14.03.2018, Smt. Jarsina, respodnent No. 1 before the Civil Court, completed her oral evidcence and the case was adjourned for tendering documentary evidence. The petitioner had not adduced any evidence inspite of various opportunities, the evidence was closed vide order dated 28.3.2018.

Thereafter, an application was moved by the petitioner for seeking an opportunity to lead the evidence. The same was dismissed vide order dated 13.10.2018.

Hence the present revision petition.

Learned counsel for the petitioner stated that there was a communication gap between the petitioners and the Counsel as there was an impression that it was only after the completion of the evidence of the Smt.Jarsina, petitioner has to adduced the evidence.

Learned counsel for the petitioner seeks one opportunity to adduced the entire evidence.

Inspite of service none has appeared on behalf of the respondent No. 1.

Considering the fact that there were a communication gap between the parties and the Counsel and that Learned Counsel for the petitioner is only seeking one opportunity to adduce the entire evidence, the orders dated 28.03.2018 and 13.10.2018 are set aside subject to the cost of Rs.10,000/- to be paid to the respondent No. 1 by the petitioner.

It is clarified that only one opportunity shall be granted to the petitioner to complete her evidence on her own responsibility.

Allowed as prayed for.

21.02.2019

Riya Grover

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No