

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

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CM-13511-CII-2021 in/and
CR No.5537 of 2019 (O&M)
DATE OF DECISION : 7TH DECEMBER, 2021

Nirmaljit Kaur

.... **Petitioner**

Versus

Balwant Kaur & others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. R. S. Bajaj, Advocate for the petitioner.
 Mr. Rajiv Dhawan, Advocate for applicant-respondent No.1.
 Mr. Manav Bajaj, Advocate for respondent No.3.

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RAJBIR SEHRAWAT, J. (Oral)

CM-13511-CII-2021

This is an application filed under Section 151 C.P.C. for preponing the date of hearing of the main case.

For reasons mentioned in the application, the same is allowed as prayed for and the main case is taken up for hearing today itself.

CR No.5537 of 2019 (O&M)

The petitioner has filed this petition under Article 227 of the Constitution of India praying for setting aside order dated 07.08.2019 (Annexure P-3) passed by the Additional Civil Judge (Sr. Division), Mohali in CS 463 of 2016, whereby evidence of the plaintiff-petitioner, in rebuttal, has been closed by order.

The counsel for the respondents has submitted that although, the court below has rightly declined the opportunity to lead the rebuttal evidence, however, since the trial is getting delayed, therefore, the respondents do not have any objection even if the present petition is disposed of by granting one opportunity to the petitioner to lead the evidence in rebuttal, whatever she wants. However, the trial should not be permitted to be delayed.

In view of the above, without commenting much upon the merits of the case, the present petition is disposed of by setting aside the impugned order dated 07.08.2019 (Annexure P-3) passed by the court below, with a direction that the petitioner shall be granted one effective opportunity to lead her rebuttal evidence. Needless to say that after the rebuttal evidence, if led by the petitioner, the respondents shall also be granted opportunity to reply the same, if the need be; and considered appropriate by the trial court.

Disposed of with aforesaid directions.

All the pending applications, if any, stand disposed of accordingly.

7TH DECEMBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No