

**203-A IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CR-591-2019

Date of decision : 21.11.2022

Neena Singh

...Petitioner

Vs.

Veena Mann and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Jasuja, Advocate
 for the petitioner.

Mr. Umesh Kumar Kanwar, Advocate for the respondents.

MANOJ BAJAJ, J.

Petitioner (plaintiff) is aggrieved against the order dated 24.08.2018 (Annexure P-5) passed in Civil Suit No.89-2016, whereby the Civil Judge (Senior Division), Fazilka, has closed her evidence by court order.

Learned counsel for the petitioner has submitted that plaintiff-Neena Singh has filed suit for declaration and permanent injunction against her real sister, namely, Veena Mann (defendant No.1) to claim absolute ownership of the suit property measuring 42 kanals 6 marlas, by propounding a Will dated 20.05.2012 executed by her father late Mohar Singh, who died on 13.07.2012. He submits that in the said suit after completion of pleadings, the issues were framed on 22.09.2017, but immediately thereafter, plaintiff had filed an application seeking amendment of plaint on 06.12.2017 to add relief of mesne profits, which was dismissed on 24.07.2018. He submits that the said order was challenged by her through CR-734-2019, but on 24.08.2018 the trial Court closed the evidence of the plaintiff and by that time, the plaintiff had examined four witnesses. He submits that since the prayer for amendment of plaint has

been accepted by this Court, the plaintiff be granted one opportunity to conclude her evidence.

The prayer is opposed by learned counsel appearing on behalf of the defendant and has argued that the order does not warrant any interference.

After hearing learned counsel for the parties and considering the rival submissions, this Court finds that since the plaintiff is praying for only one opportunity to conclude her evidence including the production of evidence, if any relating to the claim of mesne profits, no prejudice would be caused to the defendant, who is yet to adduce her evidence. Thus, this Court deems it appropriate to allow one opportunity to the plaintiff to conclude her entire evidence, as it would also facilitate the trial Court to effectively adjudicate the dispute between the parties.

Resultantly, the petition is allowed, the impugned order dated 24.08.2018 (Annexure P-5) is set aside and petitioner is granted last opportunity to conclude her evidence.

(MANOJ BAJAJ)
JUDGE

21.11.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No