

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

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**CR-3430-2021
Date of Order: 15.02.2022**

MAHABIR SHARMA

..Petitioner

Versus

SHARDA RANI @ SHARDA DEVI @ SHARDA KAUSHIK

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Ghangas, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner is a defendant in a suit filed for grant of decree of declaration to the effect that the Will executed by late Sh. Jogi Ram in favour of his son Mahabir (petitioner) is illegal, null and void. He assails the correctness of order passed by Civil Judge, Junior Division, Panipat on 06.10.2021, while closing his evidence. The Court has noticed that more than 13 effective opportunities have been granted to the petitioner to lead defence evidence.

The learned counsel representing the petitioner contends that out of the aforesaid 13 effective opportunities, the defendant had brought the witnesses and they were present in the Court on at least five opportunities, whereas, the case was, repeatedly, adjourned on the request of the learned counsel representing the plaintiff. He further submits that if the petitioner is granted one last opportunity, he will conclude his evidence.

On perusal of the paper book, it is evident that for the first time, the case was fixed for defence evidence on 30.07.2019. In March, 2020, due to the COVID-19 pandemic, the Courts started functioning in a limited manner. After a considerable period, the Courts have now resumed normal functioning.

Keeping in view the aforesaid facts, the petitioner is granted one more opportunity to produce his entire evidence on the date to be fixed by the trial Court. This shall be subject to the payment of cost of Rs.2000/- to the plaintiff.

With these observations, the revision petition is disposed of while modifying the order dated 06.10.2021.

Since, this order has been passed without issuing notice. The plaintiff will be at liberty to file an application for recall of the order.

All the pending miscellaneous applications, if any, are also disposed of.

February 15th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No