

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

CR No. 677 of 2023

Date of decision: 02.02.2023

Smt. Rajbala @ Bala and another

..... Petitioners.

Versus

Babru Ban

.... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kartar Singh Malik, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have impugned the orders dated 16.01.2023 (Annexure P-6) and 04.07.2022 (Annexure P-3) passed by the Civil Judge (Junior Division), Rohtak, in Civil Suit No. 627 of 2018 titled as 'Babru Bhan versus Raj Bala and others', whereby their application for providing opportunity to lead evidence has been declined.

Learned counsel for the petitioners submits that the petitioner/defendant No.1 is widow of Naresh Kumar. She has been residing in the house belonging to her husband and in-laws. After the death of her husband, the relations had soured and she is being ousted from her home.

Heard.

The land comprises the house wherein petitioner/defendant No.1, who is a widow lady, has been residing along with her son (petitioner/defendant No.2) and other members of her husband's family. The respondent/plaintiff, who is the father-in-law of petitioner/defendant No.1,

has filed a suit for permanent injunction restraining the petitioners/defendants from interfering in his ownership and possession over the plot. The petitioners/defendants could not produce their evidence. Thus, it would be in the interest of justice if the petitioners/defendants are granted reasonable opportunity to present their defence and produce evidence in that regard.

Consequently, the petition stands allowed. The impugned orders dated 16.01.2023 (Annexure P-6) and 04.07.2022 (Annexure P-3) are set aside and the petitioners/defendants would be afforded two opportunities to produce their evidence, subject to payment of Rs.5,000/- as cost, which shall be payable to the respondent/plaintiff.

If the respondent/plaintiff is aggrieved by this order, he would be at liberty to prefer an application in that regard.

02.02.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No