

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

113

CR-219-2023

Date of decision : 13.01.2023

Shanti Devi (since deceased) through her LRs

... Petitioner(s)

Versus

Ram Kumar and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Anupinder Singh Grewal, J. (Oral)

The petitioners/plaintiffs have challenged the order dated 23.11.2022 (Annexure P-3) whereby their evidence has been closed.

Learned counsel for the petitioners submits that Shanti Devi, who was over 70 years of age, had filed a suit for partition and permanent injunction in the year 2017 and the issues were framed on 22.08.2019. However, due to Covid-19 pandemic and her ill health, she could not lead her evidence. She had expired on 04.05.2022 and thereafter, is being represented by her legal representatives. He also submits that the closure of evidence at this stage would cause serious prejudice to the case of the petitioners who are seeking only two opportunities to lead their entire evidence.

Heard.

In view of the limited prayer of the petitioners for affording them two opportunities to lead their evidence, I intend to dispose of this petition without issuance of notice to the respondents/defendants. Smt. Shanti Devi, who was an elderly lady, had filed a suit for partition and permanent injunction in the year 2017. She could not lead evidence partly due to Covid-19 pandemic

and due to her old age. Therefore, it would be in the interest of justice if the petitioners/plaintiffs be granted two opportunities to lead their entire evidence.

Consequently, the petition is allowed and the impugned order dated 23.11.2022 (Annexure P-3) is set aside. The petitioners would be afforded only two opportunities to lead their entire evidence subject to payment of Rs.5,000/- as cost, to be paid to the respondents/defendants. However, it is made clear that the petitioners will not make any further request to adjourn the matter.

If the respondents are aggrieved by the order of this Court, they would be at liberty to approach this Court by filing an appropriate application in that regard.

(ANUPINDER SINGH GREWAL)
JUDGE

January 13, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No