



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

126

CR-1157-2025

Date of Decision: 24.02.2025

Rajwinder Kaur

.... Petitioner

Versus

Naveena Rani and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Raghav Goyal Chandiwala, Advocate for the petitioner.

**NIDHI GUPTA, J. (ORAL)**

Challenge in the present revision petition is to the order dated 05.02.2025 (Annexure P-18), passed by the learned trial Court, in case bearing No. CS-256-2022 titled as 'Naveena Rani vs. Yadwinder Singh and another' whereby evidence of the petitioner/defendant has been closed by Court order.

Brief facts of the case are that the respondent No. 1-plaintiff filed a suit dated 29.04.2022 (Annexure P-1) for possession of house measuring 09 marlas as fully detailed in the head note of the plaint and notice in the same was issued vide order dated 29.04.2022 (Annexure P-2). The petitioner-defendant put in appearance before the learned trial Court on 03.09.2022 and filed written statement dated 17.04.2023 (Annexure P-5). On the basis of pleadings of the parties, the learned trial Court framed the issues and the case was fixed for 27.07.2023 for evidence of the plaintiff which was closed by Court order vide order dated 30.08.2024 (Annexure P-11); and the case was fixed for 18.09.2024 for evidence on behalf of the petitioner/defendant. However, after availing 06



effective opportunities i.e. on 18.09.2024, 06.11.2024, 22.11.2024, 05.12.2024, 18.12.2024 and 20.01.2024 including one last opportunity, petitioner–defendant failed to conclude her evidence. Thus, the evidence of the petitioner was closed by Court order vide impugned order dated 05.02.2025 (Annexure P-18). Hence, the present revision petition.

Learned counsel for the petitioner, *inter alia*, submits the learned trial Court has failed to appreciate that there was no *mala fide* intention on the part of the petitioner while leading evidence. It is submitted that the evidence of respondent No. 1/plaintiff was also closed by order dated 09.08.2024 (Annexure P-9), but despite that on the next two dates of hearing evidence on behalf of respondent No. 1-plaintiff was recorded by the learned trial Court; and the plaintiff also tendered some documents; and closed the evidence on 30.08.2024, as is evident from *zimni* orders dated 27.08.2024 and 30.08.2024 (Annexure P-10 and P-11, respectively). Learned counsel submits that no prejudice would be caused to respondent No. 1-plaintiff in case, the impugned order 05.02.2025 (Annexure P-18) is set aside and the petitioner be granted one effective opportunity to conclude her evidence rather, it would facilitate the learned trial Court to decide the matter in controversy with more efficacy; and would also help to decide the issues in dispute in its entirety. It is, therefore, prayed that the impugned order dated 05.02.2025 (Annexure P-18) may be set aside and the petitioner may be granted only one effective opportunity to conclude her entire evidence, subject to payment of reasonable costs.



I have heard learned counsel for the petitioner and perused the case file in great detail.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner and without commenting upon merits of the case, but in view of principles of natural justice, equity, good conscience and fair play; this petition is being **disposed of** without issuing Notice of Motion to the respondents as that will only further delay the matter; the impugned order dated 05.02.2025 (Annexure P-8) is set aside. It is directed that the petitioner be granted one effective opportunity to conclude her entire evidence before the learned trial Court, at her own responsibility, subject to costs of **₹20,000/-** to be paid by the petitioner directly to respondent No. 1-plaintiff.

Pending application(s), if any, shall also stand disposed of.

**24.02.2025**  
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**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned**    **Yes/No**

**Whether Reportable**            **Yes/No**