



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

127

CR-162-2025

Date of Decision: 14.01.2025

Shabana Begum

.... Petitioner

Versus

Mohammad Saeed and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. SA Chaudhary, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

By way of filing the present revision petition, the plaintiff/petitioner assails the impugned order dated 10.12.2024 (Annexure P-1) passed by the learned trial Court whereby the evidence of the plaintiff/petitioner was closed by order; and also for setting aside the order dated 13.12.2024, vide which the application filed by the plaintiff-petitioner for recalling the order dated 10.12.2024 was declined.

Learned counsel for the plaintiff-petitioner, *inter alia*, submits that the petitioner had filed a suit for declaration of permanent prohibitory injunction against the respondents herein. It is submitted that on 10.12.2024, the petitioner could not appear before the learned trial Court due to some personal work and her evidence was closed by the learned trial Court vide order 10.12.2024 (Annexure P-1). Thereafter, the petitioner had filed an application dated 13.12.2024 (Annexure P-3) for recalling the aforesaid order dated 10.12.2024, which has also been dismissed by the learned trial Court on the same day vide order dated 13.12.2024 (Annexure P-2). Learned counsel for the plaintiff-petitioner



prays that the impugned orders dated 10.12.2024 and 13.12.2024 (Annexure P-1 and P-2, respectively) may be set aside and the petitioner may be granted only one opportunity to conclude her entire evidence, subject to payment of reasonable costs. It is further submitted that the next date before the learned trial Court is 22.01.2025.

Heard.

Perusal of the file reveals that since 31.05.2023, the matter is fixed for plaintiff's evidence; whereafter the petitioner/plaintiff was granted 20 effective opportunities including last opportunities and costs to conclude here evidence, but she failed to do so.

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; the impugned orders dated 10.12.2024 and 13.12.2024 (Annexure P-1 and P-2, respectively) are set aside. The plaintiff-petitioner is hereby granted one effective opportunity to conclude her entire evidence on **22.01.2025**, the date already fixed before the learned trial Court, at her own responsibility, subject to costs of **₹40,000/-** which shall be paid to the opposite side.

The instant revision petition stands **disposed of**, accordingly.

14.01.2025

rishu

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No