

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

Civil Revision No. 1558 of 2015 (O&M)

Date of decision : 13.3.2015

Jaswinder Kaur

..... Petitioner

vs

Narinder Singh and others

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Mandeep Singh Sachdev, Advocate, for the petitioner.

Rajesh Bindal J.

Prayer in the present petition filed under Article 227 of the Constitution of India is for setting aside order dated 17.12.2014 (Annexure P-1) passed by the learned court below, whereby evidence of the petitioner-plaintiff was closed by order of the court.

The proceedings in the present case arise out of a suit for permanent injunction filed by petitioner/plaintiff against the respondents/defendants.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondents, as the same would unnecessarily delay not only the disposal of the present petition but the suit as well.

Learned counsel for the petitioner submitted that the suit was filed by petitioner/ plaintiff on 11.4.2011. After filing of written statements, the issues were framed on 23.5.2014. The case was fixed for the first time for evidence of the petitioner on 23.7.2014. On 17.12.2014, the learned court below closed the evidence of the petitioner by order. Learned counsel for the petitioner submitted that only the petitioner is not responsible for delay, it is the respondents also on whose request the cross-examination was deferred. The petitioner has tried her best to conclude the evidence but due to reasons beyond her control, it could not be concluded. He prays that in

case one opportunity is granted, the petitioner will conclude her entire evidence.

Heard learned counsel for the petitioner and perused the paper book.

The facts of the case are borne out from the record produced by the petitioner. As is evident from the zimni orders, it is not that only the petitioner was responsible for delay, rather on two dates, the cross-examination of the PWs was deferred on the request of counsel for the defendants. On 20.11.2014, PW Satish was present but he had not brought the record. The case is now stated to be fixed before the court below on 19.3.2015. It is the suit filed by the petitioner and she cannot be stated to be interested in delaying the matter.

Considering the aforesaid facts, in my opinion, the petitioner deserves to be granted one effective opportunity to lead evidence. The same shall either be on the next date of hearing fixed before the court below i.e. 19.3.2015 or a date to be fixed by the Court for the purpose. The same shall be subject to payment of ₹ 20,000/- to the defendants by way of demand draft. Payment of costs shall be pre-condition. The impugned order passed by the learned court below is modified accordingly.

The revision petition is disposed of in the manner indicated above.

13.3.2015
vs.

(Rajesh Bindal)
Judge