

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

Civil Revision No.2148 of 2015

Date of decision: 27.08.2015

Ajit Kaur

.....Petitioner

Versus

Gurmail Singh (since deceased) through LRs and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Swarn Tiwana, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 30.01.2015 (Annexure P-6) passed by the Civil Judge (Senior Division), Rupnagar, dismissing an application filed by the Decree Holder-petitioner for recalling the order dated 04.12.2014, whereby her evidence was closed by order.

A perusal of zimni orders dated 03.07.2014, 07.07.2014, 18.09.2014, 24.09.2014 and 07.11.2014 (Annexures P-1 to P3) shows that learned counsel for present petitioner-DH had sought adjournment on 18.09.2014 and 24.09.2014. On rest of the dates, adjournments was sought by learned counsel for JD/objector. However, application for grant of an opportunity to get the cross-examination of Ajit Kaur, has been declined on the ground that the petitioner-DH had been seeking repeated adjournments. This fact is not borne out in the orders (Annexures P1 to P3). Further, a perusal of impugned order dated 30.01.2015 (Annexure P-6) shows that petitioner-DH had availed 19 effective opportunities. The application of the objector was pending for final decision when the case was adjourned on 07.11.2014 and 04.12.2014 and learned counsel for the petitioner-DH was

also present in the Court.

In view of the above, the impugned order dated 30.01.2015 (Annexure P-6) is set aside and one effective opportunity is granted to the petitioner to conclude her evidence by producing necessary witnesses for the purpose of cross-examination to be conducted by the Judgment Debtor(s), subject to costs of Rs.5,000/- to be deposited with the District Legal Service Authority, Rupnagar. This effective opportunity will not include adjournment, if any, sought by counsel for Judgment Debtor(s).

Allowed accordingly.

27.08.2015
ajp

(RITU BAHRI)
JUDGE