

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 2496 of 2015
Date of decision:9.4.2015

Vajanta and anr

Petitioners

vs.

Ratna and anr

Respondent

Present: Mr. RA Sheoran, Advocate.

M.M.S.BEDI,J.

The petitioners are aggrieved by the impugned order dated 10.3.2015, closing their evidence by order as they had adopted a casual approach in producing evidence and despite 14 effective opportunities having been granted, they failed to complete the evidence.

Counsel for the petitioners, on asking of the court, informs that plaintiff No.2 Urmila has already been examined-in-chief by producing an affidavit under Order 18 Rule 4 CPC, whereas plaintiff- petitioner No.1 has not been examined as a witness. It appears that the petitioners are daughters of defendant – respondent No.1 and other defendants are brothers and close relations. It is mandatory for a court to make an effort for settlement and to assist the parties in arriving at a compromise as per the provisions of Order 32-A Rule 3 CPC, in a suit relating to matters concerning the family members. The order dated 10.3.2015 appears to have been passed by the court below in view of the casual approach adopted by the plaintiff- petitioners in producing evidence. The interest of justice would be adequately met in case the plaintiff- petitioners are given an opportunity to either amicably settle the dispute with the defendant- respondents as per Rule 32-A Rule 3 CPC or in the alternative complete

their evidence by atleast permitting them to examine themselves as their own witnesses. In order to avoid unnecessary harassment and expenditure to the defendant- respondents, I deem it appropriate to dispose of this petition in limine by setting aside the impugned order dated 10.3.2015 and to permit the plaintiff- petitioners to appear as their own witnesses subject to payment of cost.

Accordingly, the petition is allowed by setting aside the impugned order dated 10.3.2015. However, a direction is issued that the plaintiff- petitioners will be given an effective opportunity within a period of one month to examine themselves as their own witnesses subject to payment of total cost of Rs.10,000/- to the defendant- respondents on the next date of hearing or on a date fixed by the court for the said purpose. It is made clear that in case the cost is not paid or the plaintiff- petitioners fail to avail one opportunity granted by the lower court to appear as their own witnesses, this petition will be deemed to have been dismissed. It is observed that this petition has been decided in limine without issuing notice to the respondents. In case the order is not acceptable to the respondents, it will be open to them to approach this court for review of the order.

April 9 ,2015
TSM

(M.M.S.BEDI)
JUDGE