

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

Date of decision:16.01.2015

Lakhwinder Kaur

.....Petitioner

v.

Surjit Singh and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Kunal Dawar,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Plaintiff no.1 is in revision assailing the order dated 15.12.2014 (P-1) passed by learned Civil Judge (Junior Division) Kharar whereby her evidence has been closed by order.

It is apparent that the petitioner/plaintiff had filed a suit for recovery of amount of Rs.4 lacs as damages from the defendants for causing murder of her husband for which the defendants have been convicted and sentenced. It is stated that initially the suit was filed at Ropar which was later on transferred to Kharar on the ground of territorial jurisdiction.

It is averred that official witnesses i.e. Clerk from the Record Room of District Judge,Ropar, Assistant Professor, PGI Chandigarh and other police officials were summoned after deposit of diet money and for their non-appearance, over which petitioner had no control, her evidence has been closed. Prayer is for grant of opportunity

to examine the official witnesses and the remaining cross examination of petitioner/plaintiff. It is also submitted that evidence of defendants is yet to commence and is now fixed for 19.1.2015.

After hearing the learned counsel for the petitioner/plaintiff and perusing the pleadings, it appears that sufficient opportunity has been availed, however, it is deemed expedient in the interest of justice, keeping in view the nature of the *lis* and status of the parties and moreso the type of witnesses remaining to be examined, to grant two more effective opportunities to the petitioner subject, however, to payment of costs.

Accordingly, present revision petition is allowed, impugned order dated 15.12.2014(P1) is set aside and petitioner/plaintiff is granted two more effective opportunities to examine remaining witnesses and to complete her remaining cross examination on dates to be fixed by the trial court subject to payment of costs of Rs.3000/- to be paid to defendants.

16.01.2015
joshi

(Jaswant Singh)
Judge