

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3547 of 2015
Date of Decision: 21.5.2015.**

Mannkaur alias Mannko

.....Petitioner

Versus

Sudhir and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.K.Yadav, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 14.11.2014 (Annexure P-1).

Learned counsel for the petitioner has submitted that, although, sufficient opportunity was granted to the petitioner to enable her to lead her evidence before the Trial Court but due to her ill health, petitioner could not conclude her evidence. Petitioner as well as respondent No. 3-plaintiff are aged about 80 years. Learned counsel has further submitted that only one opportunity be granted to the petitioner to enable her to conclude her evidence. The defendants have not led evidence so far.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to grant one opportunity to the petitioner to enable her to conclude her evidence so that the *lis* between the parties can be disposed of on

merits. Petitioner wants to examine herself as a witness and a doctor in support of her case.

Accordingly, this petition is allowed. Impugned order dated 14.11.2014 (Annexure P-1) is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable her to lead her evidence at her own risk and responsibility subject to payment of ₹ 5,000/- as costs. Costs be deposited with the District Legal Services Authority. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

May 21, 2015
Gurpreet