

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3829 of 2015
Date of Decision: 29.5.2015.**

Baldev Kaur

.....Petitioner

Versus

Hardeep Kaur and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. H.P.S.Ghuman, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 6.4.2015 (Annexure P-1) whereby evidence of the petitioner was closed.

Learned counsel for the petitioner has submitted that, although, numerous opportunities were granted to the petitioner to lead her evidence but from the interim orders passed by the Trial Court, it was evident that on many occasions, PW Jarnail Singh and PW Gurcharan Singh were present but they were not cross-examined by the counsel for the defendants. Learned counsel for the petitioner has further submitted that one opportunity be granted to the petitioner to enable her to produce PWs Jarnail Singh and Gurcharan Singh for their cross-examination.

Petitioner has filed suit for declaration that she was owner of the suit property to the extent of half share and the Will set-up by defendant No. 1 was a forged and fabricated one. A

perusal of the impugned order reveals that 18 effective opportunities were granted to the petitioner to enable her to conclude her evidence. However, a perusal of interim orders, reproduced in the grounds of petition, reveal that on some occasions PW Jarnail Singh and PW Gurcharan Singh were present but they were not cross-examined by the counsel for the defendants. In these circumstances, it would be just and expedient to grant one opportunity to the petitioner to enable her to produce PWs Jarnail Singh and Gurcharan Singh for their cross-examination so that the *lis* between the parties can be disposed of on merits.

Accordingly, this petition is allowed. Impugned order dated 6.4.2015 (Annexure P-1) is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable her to produce PWs Jarnail Singh and Gurcharan Singh for the purposes of their cross-examination subject to payment of ₹ 2000/- as costs. Costs be deposited with the Legal Services Authority. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

May 29, 2015
Gurpreet