

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

CR No.4775 of 2015 (O&M)
Date of decision: 31.7.2015

Shruti Choudhry

..... Petitioner

Versus

Ranbir Singh Mahendra and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Sahil A Garg, Advocate, for
Mr. Samir Rathaur, Advocate, for the petitioner.

RAJESH BINDAL, J

Challenge in the present petition is to the order dated 22.7.2015 passed by the learned court below, vide which the application filed by the petitioner for directing defendant No.1 to file his affidavit in terms of the alleged undertaking given by him in court, so as to enable the petitioner to cross-examine DW-3, namely, Nirmal Kanta, was dismissed.

In a way, the petitioner is seeking to dictate the defendants, the manner in which they should conduct the trial and lead evidence, which is not in spirit of the provisions of CPC. It has further been seen that parties to the litigation are filing application after application before the court below, may be with a view to linger on the trial. Four petitions have already been filed in this Court arising out of the different orders passed by the court below at different stages and the present petition is fifth in the series. Earlier petitions were bearing Civil Revision No.6109 of 2008—Smt. Vidya Devi v. Shruti Choudhry and others decided on 21.1.2009, Civil Revision No.7301 of 2009—Shruti Choudhry v. Ranbir Singh Mahendra and others decided on 7.10.2010, Civil Revision No.3864 of 2012—Chaudhry Bansil Lal Memorial Trust, Bhiwani v. Shruti Chaudhary and others decided on 10.12.2013 and Civil Revision No.1697 of 2015—Shruti Choudhry v. Ranbir Singh Mahendra and others decided on 10.3.2015.

As in law parties cannot dictate the other side to lead evidence in the manner he/she likes, no direction can be given to defendant No.1 to file his affidavit first, before the petitioner cross-examines the witness, DW-3, Nirmal Kanta.

The petition is dismissed.

(RAJESH BINDAL)
JUDGE

31.7.2015

sharmila