

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

CR-6422-2015 (O&M)  
Date of decision: 28.9.2015

Navroop Kaur and others

...Petitioners

Versus

Kashmira Singh

...Respondent

**CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR**

Present: Mr.AK Chopra, Sr. Advocate with  
Mr.GS Bhandal, Advocate for the petitioners

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**SNEH PRASHAR, J.**

**CM-20679-CII-2015**

Allowed as prayed for.

**CR-6422-2015**

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the orders dated 4.8.2015 and 8.9.2015 passed by learned Civil Judge (Jr.Divn.), Phillaur vide which the evidence of the petitioners was closed by order and application for leading additional evidence was dismissed.

The petitioners got registered a First Information Report No. 57 dated 23.4.1999 under Sections 435, 427 of the Indian Penal Code at Police Station Phillaur against the respondent and his

brother. However, during investigation conducted by the police, the allegations levelled against them were found false and a cancellation report was filed in the court. Disagreeing with the report the Court framed the charges against the respondent. After the trial, the respondent was acquitted of all the charges by learned trial Court vide judgment dated 8.12.2003, against which, the petitioner went in Criminal Revision, which was also dismissed by this Court vide order dated 10.1.2006. On the ground of loss of reputation, litigation expenses, mental agony etc., the respondent filed a suit for recovery of Rs.500/- as damage leaving the final amount to be decided by the trial Court.

The suit was contested by the petitioners by filing written statement and denying the claim of the respondent-plaintiff. The evidence of the respondents-plaintiff was closed on 17.11.2014. Thereafter, on 29.1.2015, petitioner No.1 appeared as DW1 and tendered her affidavit in evidence. Her cross-examination was completed on 28.7.2015 and the case was adjourned to 4.8.2015. But the date fixed, counsel for the petitioners requested for an adjournment but the trial court proceeded to close their evidence by order on the ground that they had already availed numerous effective opportunities. The petitioner filed an application for additional evidence for recording statement of defendants No.2 and 3 and for producing certified copies of documents of the case file

titled “State vs. Kashmira Singh and others”, which was dismissed vide order dated 8.9.2015.

To avoid prolonging of the case and to entail unnecessary expenses on the respondent notice of motion has not been issued and the submissions made by learned counsel for the petitioner have been considered.

Learned counsel for the petitioners submits that there was no intentional or deliberate lapse on part of the petitioners in not adducing the evidence. In case they are not allowed to defend the case by raising specific factual and legal pleas available to them, their rights will be adversely effected. Submitting that it was essential for proper adjudication of the matter that the defendants appear and make deposition before the trial court and produce the relevant document, learned counsel prayed that one last opportunity may be given to the petitioners to lead their entire evidence.

Considering the submissions made and without going into the merits of the case, I feel it shall be expedient and in the interest of justice that one effective opportunity is given to the petitioners for lead and conclude their evidence. Needless to say that examination of the witnesses will help the trial Court to better appreciate the issues involved and render substantial justice to the parties.

Accordingly, the present petition is allowed. The

impugned orders dated 4.8.2015 and 8.9.2015 are set aside and the learned trial Court is directed to grant one effective opportunity to the petitioners to produce their entire evidence at their own risk and responsibility subject to deposit of Rs.3000/- as costs with the District legal Services Authority, Jalandhar.

However, it is made clear that if the petitioners fail to produce their entire evidence on the date so fixed by learned Trial Court, no further opportunity shall be granted to them.

28.9.2015  
gsv

**(SNEH PRASHAR)**  
**JUDGE**