

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

Civil Revision No.8233 of 2015 (O&M)

Date of decision: 04.12.2015

Ramesh Rani Gulati and another

.....Petitioners

Versus

M/s Shobha Knitting Works and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Viabhav Sehgal, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 22.07.2014 (Annexure P-1) passed by the Civil Judge (Junior Division), Ludhiana, whereby evidence of the plaintiffs-petitioners has been closed by order, except cross-examination of witnesses who have already been examined-in-chief and the order dated 19.05.2015 (Annexure P-2) dismissing the application filed by the petitioners for appointment of Local Commissioner for the purpose of examining plaintiff No.1-Ramesh Rani.

After closing of evidence of the plaintiffs-petitioners, they moved an application dated 21.08.2014 (Annexure P-4) for appointment of Local Commissioner for recording examination-in-chief as well as cross-examination of plaintiff No.1-Ramesh Rani. This application has been dismissed by the trial Court vide order dated 19.05.2015 (Annexure P-2) on the ground that it had no power to review its earlier order.

Plaintiffs-petitioners have filed this suit for recovery of

from her evidence, she has concluded the entire evidence.

Keeping in view the age of Ramesh Rani-plaintiff No.1, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the plaintiffs-petitioners, this Court deems it appropriate to provide one opportunity to the plaintiffs-petitioners to lead their evidence.

In view of the above, the impugned orders dated 22.07.2014 and 19.05.2015 (Annexures P-1 & P-2) are set aside and one effective opportunity is granted to the plaintiffs to lead their evidence, subject to costs of Rs.5000/- to be paid to the defendants-respondents. Trial Court is directed to appoint a Local Commissioner for recording the deposition/evidence of Ramesh Rani-plaintiff No.1.

Allowed accordingly.

04.12.2015
ajp

(RITU BAHRI)
JUDGE