

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

CR-1210 OF 2016

Date of decision :17.02.2016

SAVITA GUPTA AND ANOTHER

... Petitioners

VS.

NARINDER KUMAR AND OTHERS

.... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. K.S. Chahal, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 14.1.2016 vide which the evidence of the petitioners/plaintiffs was closed by the learned trial Court by order and the order dated 09.02.2016 vide which the application for recalling the order dated 14.1.2016 has been dismissed.

Learned counsel for the petitioners contended that most of the opportunities have been granted on the request of learned counsel for the defendants/respondents for cross examination of the witnesses produced by the plaintiffs. So the plaintiffs were not at fault. He contended that now only PW5-Piara Singh is to be produced for facing the cross-examination and draftsman to prove the site plan of the disputed property. He further contended that the petitioners will produce both these witnesses on one date to be fixed by the learned trial Court at their own (petitioner's) responsibility.

I have duly considered the aforesaid contentions.

I have perused the interim orders reproduced in the grounds of revision petition, which shows that on number of dates, the case was adjourned for cross-examination of the witnesses produced by the petitioners on the request of learned counsel for the defendants. So the whole fault cannot be of the petitioners for causing delay. This fact is not disputed that PW5-Piara Singh was examined-in-chief and he is only to appear to face cross-examination. Learned counsel for the petitioners has further stated that one draftsman is to be produced to prove the scaled site plan of the disputed property and both these witnesses will be produced on one date by the petitioners at their own responsibility.

As the valuable rights of the petitioners are involved in the suit thus, in the interest of justice, one more opportunity is granted to the petitioners to produce PW-5-Piara Singh to face the cross-examination and the draftsman to prove the site plan of the property in dispute on payment of Rs.10,000/- as cost on the date to be fixed by the learned trial Court.

Learned counsel for the petitioners has informed that now the case is fixed before the learned trial Court on 19.02.2016. The learned trial Court will fix the suitable date for the aforesaid evidence of the petitioners on that date.

The present revision petition is allowed, accordingly.

In view of the short date fixed before the learned trial Court, the copy of the order be communicated through FAX.

17.02.2016
SwarnjitS

(DARSHAN SINGH)
JUDGE