

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

CR No.2727 of 2015

Date of decision : 12.01.2016

Ved Kumari

...Petitioner

Versus

Vijay Kumari and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Deepak Verma, Advocate for respondent Nos.1 and 2.

AMIT RAWAL, J. (Oral)

The petitioner-defendants are aggrieved of the order dated 07.03.2015, whereby evidence of the petitioner has been closed by order.

Mr. Parvinder Singh, learned counsel appearing on behalf of petitioner submits, that in case two effective opportunities are granted subject to any terms and conditions, the petitioner-defendants will conclude the evidence.

Mr. Deepak Verma, learned counsel appearing on behalf of respondent Nos.1 and 2 submits, that petitioners have from 17.08.2013 examined only one witness and thus protracted the adjudication of the case

and, therefore opportunity should not be granted.

I have heard learned counsel for the parties and appraised the paper book.

This Court while issuing notice of motion after noticing the contention of the counsel for the petitioner had passed the following order, which reads thus:-

“In a suit filed by the plaintiffs/respondents claiming ownership in the property left by their mother Parwati wife of Late Sarwan Singh on the basis of a Will dated 09.01.2006, the evidence of the defendant/petitioner has been closed. Son of the defendant/petitioner, Prabhu Dutt appears to have already been examined-in-chief by production of affidavit as per provisions of Order 15 Rule 4 CPC. Counsel for the petitioner submits that on account of some unavoidable circumstances in the family, Prabhu Dutt was unable to appear as required by the Court for cross-examination. It is claimed that in case two effective opportunities are granted to the petitioner, the entire evidence will be concluded.

Notice of motion to respondents No.1 and 2 for 23.07.2015.

Further proceedings before the trial Court shall remain stayed.”

In order to advance justice and prevent manifest in justice, I am of the view that two effective opportunities be granted to the petitioner to conclude the trial in accordance with law subject to the payment of cost of ₹10,000/- to be paid to the counsel for the respondent-plaintiff in the High Court.

It is made clear that cost shall be conditional precedent.

Impugned order is accordingly set aside.

Revision petition is allowed.

A copy of this order be given under the signatures of Reader
attached to this Court.

12.01.2016

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**(AMIT RAWAL)
JUDGE**