

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

107

Civil Revision No.8393 of 2016

Date of Decision:13.12.2016

Mohinder Kaur

....petitioner

Versus

Amarjit Singh and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Rishav Jain, Advocate
for the petitioner

ARUN PALLI, J. (ORAL):

Vide order being assailed, dated 15.09.2016, rendered by the Civil Judge(Junior Division), Amritsar, evidence of the plaintiff-petitioner has since been closed.

Ex facie, the plaintiff-petitioner has been remiss and negligent in pursuing her cause, as despite numerous opportunities, she failed to lead and conclude her evidence. So much so, the cost, subject to which the matter was adjourned on the previous occasion, was also not deposited. However, it is equally true that if the plaintiff-petitioner is not granted one effective opportunity to conclude her evidence, she shall not only suffer an irreparable loss but that might also result in miscarriage of justice. Learned counsel for the plaintiff-petitioner submits that the plaintiff-petitioner has already appeared in support of her claim as PW1, and examination-in-chief of one Massa Singh (PW2) has also been recorded, though, he is yet to be cross-examined. And evidence of the defendants is yet to be recorded.

That being so, and, without issuing any formal notice to the

respondents, to avert any further delay, and the expenses that they shall have to incur to defend these proceedings, the order dated 15.09.2016 is set aside.

The revision petition is accordingly disposed of in the following terms:

1. The petitioner-plaintiff shall be granted one effective opportunity to lead and conclude her entire evidence, without any assistance or aid of the Court, on the date that shall be fixed by the trial Court.
2. In the event of default, the evidence of the plaintiff-petitioner shall be deemed to have been closed and request, if any, for further adjournment shall not be granted.
3. This, however, shall be subject to payment of costs, the court had earlier imposed.

13.12.2016

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(ARUN PALLI)
JUDGE