

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

**122**

**CR No.8582 of 2016 (O&M)**

**Date of Decision: December 19, 2016**

**JAGIR KAUR (SINCE DECEASED) THROUGH HER LRS &  
OTHERS**

**-PETITIONERS**

**VS**

**YADWINDER SINGH & OTHERS**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

**Present:** Ms. Amrita Nagpal, Advocate for  
Mr. Naveen Bawa, Advocate  
for the petitioners.

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**RAJ MOHAN SINGH, J. (ORAL)**

**CM No.26093-CII of 2016**

This is an application under Order 22 Rule 4 read with Section 151 CPC for impleading legal heirs of Jagir Kaur-deceased.

For the reasons mentioned in the application, the application is allowed and legal heirs of Jagir Kaur-deceased as mentioned in para No.2 of the application are ordered to be brought on record for the purpose of decision of the present revision petition only.

**Main case**

{1}. Petitioners have assailed order dated 07.11.2016 passed by Additional Civil Judge (Sr. Divn), Tarn Taran whereby

evidence of the defendant-petitioners was closed by order of the Court.

{2}. The suit was filed on 06.12.2014. The evidence of the defendant started w.e.f. 26.04.2016. Following order was passed on 26.04.2016:-

*“Present: Sh. Manjinder Singh, Advocate for plaintiff.*

*Sh. S.S. Sandhu, counsel for defendant.*

*No DW is present. On request of defendant, case is adjourned to 29.04.2016 for defendant evidence as second opportunity.*

*Sd/-  
Parvinder Kaur  
CJJD 26.04.2016”.*

{3}. Apparently, the case was adjourned for three days only i.e. 29.04.2016. The Presiding Officer relinquished the charge on 28.04.2016, therefore, no evidence was led on the date fixed and case was accordingly adjourned for 10.05.2016.

{4}. On 10.05.2016, file was received by transfer and the same was checked and registered. The case was adjourned for 20.05.2016 for evidence of the defendant subject to last opportunity.

{5}. In the order dated 26.04.2016, only second

opportunity was noticed. Thereafter, the Presiding Officer relinquished the charge, therefore, mentioning of last opportunity, in considered opinion of this Court was not justified. However, on the adjourned date i.e. 20.05.2016, instead of showing the case to be fixed for defendant evidence, some wrong averments were made in the order thereby showing examination-in-chief of three plaintiff witnesses.

{6}. Order dated 20.05.2016 reads as under:-

*“Present: Sh. Manjinder Singh, Advocate for plaintiff.*

*Sh. S.S. Sandhu, counsel for defendant.*

*Three PWs are present and examination-in-chief. Their cross-examination is deferred on request of opposite counsel. Now to come up on 27.05.2016 for cross-examination of present PWs.*

*Sd/-  
Sucheta Ashish Dev  
ACJSD 20.05.2016”.*

{7}. Again on the adjourned date, i.e. 27.05.2016, no DW was present and the case was accordingly adjourned for 15.07.2016, the date on which three defendant witnesses were present but could not be examined. The case was further adjourned to 16.08.2016 and then to 08.09.2016 and

06.10.2016. The evidence of the defendant was ultimately closed on 07.11.2016.

{8}. Defendant Jagir Kaur died during pendency of the suit on 28.10.2016. The application for bringing her legal representatives on record is still pending before the trial Court.

{9}. In view of nature of order which this Court proposes to pass, there is no necessity of issuing notice to the respondent at this stage. In view of various interlocutory orders on record, one last opportunity is required to be given to the defendant-petitioners subject to payment of adequate costs.

{10}. This revision petition is allowed; one last opportunity is given to the defendant-petitioners to lead entire evidence subject to payment of costs of Rs.5000/- payable to the plaintiff. Payment of costs shall be the condition precedent for showing indulgence by the trial Court.

{11}. Disposed of.

19.12.2016  
*jyoti Y.*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No