

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

CR No.3041 of 2017

Date of Decision: 01.05.2017

Smt. Mewali

.....PETITIONER

Vs.

Bihari Lal and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.J.P.Sharma, Advocate for the petitioner.

JASPAL SINGH J. (ORAL)

Through, the instant revision petition filed under Article 227 of the Constitution of India, petitioner has sought setting aside the order dated 21.02.2017 (Annexure P-1) passed by learned Civil Judge (Junior Division), Narnaul, vide which the evidence of the petitioner/plaintiff has been closed by the orders of the Court.

The contention of the learned counsel for the petitioner is that in compliance of the order dated 11.04.2016, the petitioner who is an old lady of 75 years has not furnished the list of witnesses to be examined by her in support of her case. However, she only intends to examine herself through GPA and two other witnesses, namely, Jaswant Singh son of Fusa Ram and Sumer Singh son of Bhoma Ram, both residents of Jhanja, besides, tendering certain documents. It is also contended that she would close her evidence, in case, she is afforded one opportunity for the said purpose.

Though, there is a lapse or omission on the part of the petitioner/plaintiff in furnishing the list of witnesses in compliance of the order dated 11.04.2016, yet it is well settled proposition of law that the parties should not be condemned unheard. In case the petitioner/plaintiff is not afforded to

adduce and conclude her evidence, she will suffer irreparable loss and her case would stand defeated at its threshold.

Thus, without commenting upon the impugned order, as well as the lapse or omission on the part of the petitioner/plaintiff in furnishing the list of witnesses, instant revision petition is disposed of with a direction to the trial Court to afford two effective opportunities to the petitioner for the examination of the petitioner/plaintiff through her GPA as well as to examine other two witnesses named above, besides tendering certain documents. The witnesses shall be produced by the petitioner/plaintiff at her own responsibility and for that purpose, no assistance shall be given by the trial Court.

Disposed of.

(JASPAL SINGH)
JUDGE

01.05.2017

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No