

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

CR No.4654 of 2017(O&M)  
AND  
CR No.4655 of 2017(O&M)  
Date of decision: 19.07.2017

Veerpal Kaur

... Petitioner

Versus

Manjeet Singh Nanda and others

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

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

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**ARUN PALLI J. (Oral)**

Vide order being assailed dated 17.01.2017, rendered by the Judicial Magistrate Ist Class, Mohali, evidence of the petitioner-defendant has since been closed by order, and even her application for recalling the said order has also been dismissed by an order dated 01.03.2017.

Learned counsel for the petitioner submits that the defendant has already examined herself as DW1 and another witness i.e. DW2. So much so, the examination-in-chief of another witness i.e. DW3 has also been recorded and the matter was posted for his cross-examination. He submits that as the said witness (DW3) fell ill a day before the date fixed in the matter, it was beyond the act and control of the petitioner to still ensure his presence on 17.01.2017. However, it is not disputed that the petitioner was afforded numerous opportunities to produce the said witness for his cross-examination. Ex facie, the petitioner has been remiss and negligent in

pursuing her cause, but it shall also be true that in the event she is not afforded one effective opportunity to produce her witness (DW3), she shall not only suffer an incalculable loss but that might also result in miscarriage of justice. Particularly as in the given situation, even her examination-in-chief shall not be read into.

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 orders dated 17.01.2017 and 01.03.2017 are set aside. And, the revision petitions are disposed of in the following terms:

i) The petitioner-defendant shall be granted one effective opportunity to produce her witness DW3 for the purpose of his cross-examination on the date that shall be specified by the trial court in this regard;

ii) In the event of default, the evidence of the petitioner shall be deemed to have been closed and the matter shall not be adjourned at any cost; and

iii) This, however, shall be subject to payment of ₹ 5,000/- as costs that shall be condition precedent.

**( Arun Palli )**  
**Judge**

July 19, 2017  
Rajan

Whether speaking/reasoned:  
Whether Reportable:

YES  
NO