

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

CR No.6186 of 2017

Date of Decision: 13.09.2017

SUDESH RANI

...Petitioner

VERSUS

SUBHASH CHANDER MEHTA

...Respondent

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Jaswant Jain, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 04.08.2017 passed by Civil Judge (Jr. Divn.) Sirsa (P-1) vide which evidence of the defendant-petitioner was ordered to be closed.

A bare perusal of zimini order shows that on 01.03.2017, two DW's were present and examined as D.W.2 and D.W.3 and thereafter, matter was adjourned for 14.03.2017 for remaining evidence of the defendant-petitioner. Thereafter, the matter was adjourned on 14.03.2017, 29.04.2017, 26.05.2017, 10.07.2017 and 31.07.2017. Then, the impugned order was passed whereby evidence of the petitioner was closed.

Learned counsel for the petitioner submits that he only wants to cross examine D.W.3, which would be necessary for just decision of the case.

In view of the above factual position, the revision petition is allowed and order dated 04.08.2017 passed by Civil Judge (Jr. Divn.) Sirsa is set aside. Accordingly, the trial Court is directed to give one effective opportunity to the petitioner to cross examine D.W.3, subject to payment of cost of Rs.5000/- to be paid in the District State Legal Service Authority, Sirsa.

September 13, 2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No