

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.8749 of 2016

Date of decision:3.8.2017

Shakuntla Devi

...Petitioner

Versus

Dhani Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.N.S.Malmajra, Advocate for the petitioner.
Mr.Priyank Kumar, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant revision petition, under Article 227 of the Constitution of India, at the hands of plaintiff, is directed against the order dated 14.10.2016 passed by the learned trial court at Annexure P-1, whereby evidence of the plaintiff was closed.

Notice of motion was issued.

Heard learned counsel for the parties.

Learned counsel for the petitioner has been found justified in contending that although the petitioner-plaintiff ought to have been more vigilant while leading her evidence in affirmative, yet in view of the numerous zimni orders reproduced from pages 4 to 7 of the paper-book, petitioner is entitled for one more opportunity to conclude her remaining evidence that is only the cross-examination of one witness. He further submits that petitioner is ready and willing to compensate the other side by payment of reasonable amount of costs.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case and also in the interest of justice, petitioner deserves to be granted one more opportunity to complete her remaining evidence. It is so said because the respondent-defendant is not going to suffer any kind of prejudice by granting one more opportunity to the petitioner.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunities to both the parties to put up their best case before the court. Nobody should be forced to go home with the grievance that sufficient opportunity was not granted by the court. By following this principle of law, learned court would achieve twin objects i.e. (i) it would avoid multiplicity of litigation between the parties and (ii) the court would be in a better position to do complete and substantial justice between the parties. However, learned trial court could not follow the abovesaid principle of law, while passing the impugned order.

No other argument was raised.

In view of the above, the interim order dated 14.10.2016 (Annexure P-1) is set aside. The learned trial court is directed to grant one more opportunity to the petitioner to conclude her remaining evidence. However, it is made clear that only one opportunity shall be granted to the petitioner and if she fails to conclude her remaining evidence, she will not be entitled any further indulgence on the part of the learned trial court.

Opportunity granted to the petitioner is only for the purpose of cross-examination of remaining witness. Petitioner shall pay the costs of Rs.5,000/- to the respondent on or before the next date of hearing before the learned trial court before availing the opportunity to conclude her remaining evidence.

With the observations made above and directions issued, the present revision petition stands disposed of, in the above-said terms.

3.8.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No