

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

Civil Revision No.8758 of 2016 (O&M)

Date of Decision : 26th April, 2017

Surjit Kaur

..... Petitioner

Versus

Ranjit Kaur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Amit Kumar Saini, Advocate
for the petitioner.

Mr. Arvind Kashyap, Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 08.11.2016, passed by the learned trial Court, whereby the evidence of the defendant was closed, the petitioner-defendant has approached this Court by way of present revision petition under Article 227 of the Constitution of India.

A bare perusal of the impugned order would show that notice to the witnesses of petitioner-defendant had been issued by the learned trial Court. However, without waiting for the report on those notices issued to the witnesses, the learned trial Court proceeded in haste while passing the impugned order, closing the evidence of the petitioner. Having said that this Court feels no hesitation to conclude that the learned trial Court exceeded its jurisdiction, while passing the impugned order thereby causing manifest justice to the petitioner because of which the impugned order

cannot be sustained.

During the course of hearing, learned counsel for the respondents could not address any meaningful arguments in support of the arguments.

No doubt there was some delay in concluding the evidence at the hands of the defendant-petitioner. However, once the notices to the witnesses had already been issued by the learned trial Court, report thereon ought to have been awaited and only thereafter appropriate order could have been passed by the learned trial Court. No doubt, the learned trial Court should be quick in deciding the suit but hasty order like the present one will cause the delay in conclusion of the trial of the suit because such an order cannot be sustained in the eyes of law.

It also goes without saying that rules of procedures are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunity 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 learned trial Court. While proceeding on the abovesaid settled principle of law, learned courts would achieve twin objects; i) it would avoid multiplicity of litigation and ii), it will do complete and substantial justice between the parties to the litigation. However, since in the present case, the learned trial Court failed to appreciate the factual as well as legal aspects of the matter, the impugned order cannot be sustained.

No other argument has been raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the

considered view that since the impugned order has been found patently illegal, it cannot be sustained. Accordingly the impugned order dated 08.11.2016, passed by the learned trial Court is hereby set aside. This revision petition deserves to be accepted. Consequently, the learned trial Court is directed to grant two more effective opportunities to the petitioner to conclude her evidence.

Resultantly, with the above said observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

26th April, 2017
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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No