

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

-.-

Civil Revision No. 8900 of 2017 (O&M)
Date of decision: 19.12.2017

Neelam Rani

..... *Petitioner*

Versus

Sohan Lal through LRs and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. S S Sodhi, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against orders dated 13.07.2017 (Annexure P6) and 31.10.2017 (Annexure P9) whereby evidence of the petitioner/defendant has been closed by order and application for review of order dated 13.07.2017, has been dismissed.

Counsel for the petitioner has submitted that evidence of the petitioner/defendant was closed by order dated 13.05.2016 and application for review of order dated 13.05.2016 was dismissed on 14.07.2016. The petitioner filed CR 6523 of 2016 titled *Neelam Rani vs Sohan Lal and others* which was allowed by this Court vide order dated 29.09.2016 (Annexure P5) providing one effective opportunity to the petitioner to examine herself subject to certain conditions incorporated in the said order. It is further submitted that the trial Court vide order dated 25.01.2017, reproduced in para 9 of the grounds of revision, adjourned the case to 06.02.2017 for examination of the petitioner. It is argued that as on

06.02.2017, original file of the suit was not available with the trial Court as the same was sent to the appellate Court, recorded in order dated 06.02.2017, the petitioner could not examine herself as a witness in compliance with the directions issued by this Court. It is further prayed that as the petitioner prepared her affidavit dated 22.02.2017, to be tendered by way of examination in chief and has even deposited an amount of Rs.5,000.00 towards costs, she may be allowed one opportunity to examine herself, may be, subject to payment of reasonable compensation to the other party.

I have heard counsel for the petitioner, perused the paper book particularly the orders impugned, various zimini orders recorded by the trial Court and reproduced in the grounds of revision.

Counsel for the petitioner is not in a position to say something if the petitioner had complied with the conditions imposed by this Court vide order dated 29.09.2016 while allowing one effective opportunity to the petitioner to examine herself as a witness. The trial Court passed a detailed order dated 25.01.2017 providing an opportunity to the petitioner to comply with the directions of this Court and adjourned the case to 06.02.2017. On 06.02.2017, neither the petitioner was present before the trial Court nor she supplied a copy of the affidavit to be tendered in examination in chief to counsel opposite, nor deposited an amount of Rs.5,000.00. Meaning thereby that she did not comply with either of the conditions imposed by this Court. The petitioner cannot justify her failure to comply with directions of this Court on the pretext that original file was not available with the trial Court or the same was sent to the appellate Court. Had the petitioner been serious and diligent in her effort to comply

with the directions of this Court while allowing a concessional opportunity provided to examine herself, she would have complied with the directions of this Court disregarding whether the original file was available with the trial Court or otherwise. In view of the above, the petitioner is not entitled to indulgence of this Court particularly in the face of observations in order dated 29.09.2016 that in case the petitioner fails to comply with the conditions incorporation therein, the petition shall be deemed to be dismissed. In this view of the matter, I do not find any error much less illegality in the impugned orders warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

19.12.2017
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No