

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1426 of 2017 (O&M)
Date of Order: 02.04.2018

Smt. Alka Jain

..Petitioner

Versus

Sanjeev Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. S.S.Pathania, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Defendant no.1-petitioner is in revision petition against the order passed on 10.01.2017, refusing to set aside the proceeding against her.

Defendant no.1-petitioner was proceeded against ex-parte on 07.01.2016. She filed an application after a period of more than 9 months on 28.09.2016. It is not in dispute that defendant no.1-petitioner has already filed written statement.

Counsel for defendant no.2 has already cross-examined the witnesses produced by the plaintiff.

The suit is for grant of decree of damages and compensation to the tune of Rs.10 lacs. Defendant no.1-petitioner is one of the contesting defendant in the case.

Keeping in view the aforesaid facts, this Court is of the considered opinion that the petitioner deserves to be granted opportunity to contest the suit on merits.

Hence, the order under challenge is set aside. However, taking into consideration the fact that the plaintiff has already examined 14/15 witnesses, therefore, defendant no.1-petitioner would bear the cost of re-summoning those witnesses.

Counsel for defendant no.1-petitioner shall be granted opportunity to cross examine those witnesses. Once the cross-examination of the witnesses produced by plaintiff is complete, defendant no.1-petitioner shall be granted only two effective opportunities to lead her entire evidence. This court has noticed that the suit is pending for the last 8 years. In these circumstances, learned trial court is requested to make sincere efforts to decide the suit on an early date. This order shall be subject to the payment of costs of Rs.10,000/- to the plaintiff-respondent.

The revision petition is allowed.

April, 02, 2018
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(ANIL KSHETARPAL)
JUDGE

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