

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.1504 of 2018
Date of Decision: 07.03.2018

Surinder Kaur

.... Petitioner

Versus

Paramjit Singh & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. H.S. Dhindsa, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, defendant No.4 has laid challenge to order dated 05.01.2018 (Annexure P-4) of the trial Court closing her evidence.

Learned counsel for the petitioner *inter alia* contends that eight adjournments granted to petitioner-defendant No.4 much weighed in the mind of the Court ignoring the fact that they were granted only in a short span of 1½ month, whereas the respondents-plaintiff were granted more than 1 year 10 months for completing their evidence. The impugned order of the trial Court is quite harsh and has prejudiced the legal rights of the petitioner.

Having given considerable thought to the submission made by learned counsel for the petitioner, but without commenting on the merits of the case, since the dispute amongst the parties revolves around a 'Will', in the interest of justice, the impugned order dated 05.01.2018 (Annexure P-4) is set aside and the trial Court is directed to grant two effective opportunities to the petitioner to conclude her entire evidence, subject to payment of costs of ₹10,000/-, to be deposited with the Member Secretary, District Legal Services Authority,

Hoshiarpur.

It is clarified that two opportunities afforded to the petitioner would not permit her to make any excuse to seek further opportunity on the ground that she could not examine/produce her entire evidence on the date fixed by the trial Court for the reasons beyond her control. In case, the costs is not paid, this revision shall automatically stand dismissed.

Disposed of with the above observations.

This order has been passed without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

07.03.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No