

106.

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

CIVIL REVISION-2541-2018

Date of decision:21.04.2018.

RAJWINDER KAUR

... Petitioner

Versus

GULWINDER SINGH

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India impugning the order dated 13.04.2018 (Annexure P/1) passed by learned Additional Civil Judge (Senior Division), Khadur Sahib, whereby the evidence of the petitioner-defendant has been closed by order.

Learned counsel for the petitioner has argued that the respondent-plaintiff has filed a suit for possession by way of specific performance of an agreement to sell dated 16.04.2012. The suit was filed on 21.03.2016. Thereafter, he (respondent-plaintiff) took almost two years to complete his evidence. The case was fixed for defendant's evidence on 16.02.2018. Thereafter, on 23.02.2018, the defendant had filed her affidavit in the form of her examination-in-chief. The case was adjourned to 13.03.2018 for her cross-examination. The case was listed on 20.03.2018.

On 13.04.2018, the evidence of the petitioner-defendant was closed. He has

further argued that since the petitioner-defendant is a teacher, she could not

get leave because of it being an opening academic session. However, in all fairness, she only needs one opportunity to get herself examined.

I have heard learned counsel for the petitioner.

The various zimini orders attached with the file reflects that on 23.02.2018, petitioner had filed her affidavit in examination-in-chief and thereafter, the case was listed on 13.03.2018 and 20.03.2018. However on 13.04.2018, the evidence was closed. This Court finds that considering the assignment the petitioner is holding, sometimes it may possible that one may not get leave. The reason cited by the petitioner cannot be disbelieved outrightly.

Be that as it may, without observing anything on the merits of the case but considering the fact that virtually the petitioner-defendant was given first opportunity to get herself examined only on 13.03.2018 and not much time has passed since the evidence was closed, petitioner is afforded one more opportunity to get herself examined.

Accordingly, impugned order is set aside and the petitioner is afforded one opportunity to get herself examined.

Present petition is disposed of at this stage without issuing notice to the respondent as it would further delay the proceedings. However, in case, the respondent-plaintiff still feels aggrieved by this order, he is at liberty to file an application for recalling the present order.

(HARI PAL VERMA)
JUDGE

21.04.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No