

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

**CR No.3235 of 2017 (O&M)
Date of decision : January 23, 2018**

Maya Rani

..... Petitioner

Versus

Devi Singh (deceased) through LRs and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Padam Kant Dwivedi, Advocate for the petitioner.

Mr. Bhavnik Mehta and Mr. Jasbir Singh, Advocates
for respondent No.1.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner is aggrieved of the order dated 01.04.2017 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Divn.), Naraingarh, vide which the evidence of the defendant was closed by orders.

After hearing learned counsel for both the parties, this Court finds that at least 6-7 opportunities were granted to the defendant-petitioner to conclude her evidence. However, she failed to conclude the evidence despite last opportunity and her evidence was closed by orders.

Learned counsel for the petitioner-defendant states that the defendant-petitioner wants to examine handwriting expert and one witness Sham Lal, whose affidavit was tendered in examination-in-chief but he could not be produced for cross-examination.

It comes out that in this case, last opportunity was granted to the defendant-petitioner twice. However, the said expert was not

summoned. Therefore, the handwriting expert cannot be allowed to be examined at this stage. The case pertains to the year 2009. Since, the affidavit of Sham Lal is already on file, therefore, the revision is allowed only to the limited extent that witness Sham Lal is allowed to be produced for cross-examination on the next date of hearing, subject to payment of costs of ₹5,000/- payable to the plaintiffs for causing delay.

As such, the present revision petition is partly allowed.

(KULDIP SINGH)
JUDGE

January 23, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No