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

**Civil Revision No.5215 of 2017
Date of Decision: 11.10.2018**

RAJ RANI

.....Petitioner

Vs

LALIT JOHAR AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ishaan Cooner, Advocate for
Mr. J.S. Cooner, Advocate
for the petitioner.

Mr. K.S. Jetley, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has challenged the order dated 25.05.2017 passed by the Civil Judge (Jr. Divn.) Ambala, vide which evidence of the plaintiff No.1./petitioner was closed by order of the Court.

[2]. At the time of issuance of notice of motion on 08.08.2017, following order was passed by the Co-ordinate Bench of this Court:-

“Learned counsel for the petitioner, at the very outset, submits that although the petitioner ought to have been more vigilant while producing her evidence in affirmative yet in the totality of facts and circumstances of the case, petitioner deserves to be granted one more

opportunity to conclude her remaining evidence. He further submits that the dispute being amongst the family members, efforts were being made at an earlier point of time for settling the matter amicably because of which the petitioner could not conclude her entire evidence well in time.

Notice of motion for 19.01.2018.

Process dasti as well as through the counsel of the respondents before the learned court below.

In the meantime, the learned court below is directed to adjourn the case beyond the date fixed by this Court.”

[3]. Perusal of the record would show that issues were framed on 20.08.2015. Thereafter evidence of the plaintiffs started w.e.f. 14.10.2015.

[4]. Though there was apparent latch on behalf of the plaintiff No.1./petitioner in not adducing her entire evidence in time and last opportunity was granted to the plaintiffs on 05.02.2016 to lead their entire evidence. Last opportunity also remained in force on 26.02.2016. Thereafter, Ram Chander, husband of the plaintiff No.1/petitioner was examined and joint statement was made by the parties in the context of compromise which was in offing at the relevant time.

[5]. Perusal of interlocutory orders on record would also show that the case remained pending for exploring possibility of amicable resolution of the dispute, keeping in view the *inter se*

relationship between the parties.

[6]. Plaintiffs are parents-in-law of defendant No.2. Defendant No.1 is the husband of defendant No.2 and defendant No.2 is living in the same house under some arrangement made in the proceedings of The Protection of Women from Domestic Violence Act, 2005.

[7]. Looking to the background of the case, the prayer made in the present petition is accepted. This revision petition is allowed and the impugned order dated 25.05.2017 passed by the Civil Judge (Jr. Divn.) Ambala, is set aside.

[8]. One more opportunity is granted to the petitioner to conclude her entire evidence at her own responsibility without availing any process of the Court in securing the presence of witnesses. It is made clear that no further opportunity shall be granted in any eventuality. The trial Court shall fix a date for allowing the petitioner to complete her evidence on the date fixed on her own responsibility.

October 11, 2018

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No