

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 8166 of 2016 (O&M)

Date of decision: 19.04.2018

Narinder Kaur

...Petitioner

V/s.

Jasvir Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. R.K. Singla, Advocate for the petitioner.

Mr. Davinder Singh Dadwal, Advocate for respondent No. 1.

KULDIP SINGH, J. (Oral)

Heard.

The impugned in the present revision is to the order dated 12.11.2016 (Annexure P-5) passed by learned Civil Judge (SD), (NRI Cases), Jalandhar. It comes out that in the pending suit defendant No. 2 was proceeded *ex parte* on 30.07.2016. In the meanwhile, plaintiff/Jasvir Kaur, who is the resident of UK appeared as PW1. As a result of setting aside *ex parte* proceedings against defendant No. 2, she was required to be recalled. The Court while allowing the application imposed a condition that the defendant No. 2 will bear the travelling expenses of plaintiff/Jasvir Kaur/PW1 for travelling from U.K. to India and her return on production of the tickets and defendant No. 2 will have to file an undertaking within 15 days from today to convey her willingness to cross-examine and to pay the said amount before the beginning of her cross-examination.

Learned counsel for the petitioner contends that plaintiff/Jasvir Kaur stays in India and there is no proof that as to when she came back to

India. Now suit of the plaintiff has been dismissed and appeal against the said judgment and decree is pending. He further contends that there is no averment as to when the plaintiff appeared as a witness and when she came back. I am of the view that these facts are to be taken note by the trial Court while allowing the disbursement of travelling expenses.

I am of the view that condition imposed by the trial Court shows that travelling expenses from UK to India and back to UK were to be paid only on the production of ticket, would mean that plaintiff/Jasvir Kaur would come to India for the purpose of her cross-examination only then the travelling expenses are to be paid. The trial Court was justified in imposing such condition while setting aside the *ex parte* proceedings against defendant No. 2 as a result of which plaintiff/Jasvir Kaur/PW 1 was recalled for cross-examination.

No case is made out to interfere in the impugned order. Accordingly, the Civil Revision is dismissed.

(KULDIP SINGH)
JUDGE

19.04.2018

Divyanshi

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No