

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

C.R. No. 3022 of 2019

DATE OF DECISION :- September 02, 2019

Smt. Gurdevi

...Petitioner

Versus

Babita Sandhu and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Santosh Bhardwaj, Advocate for the appellants.

This revision petition is directed against the order dated 20.4.2019 passed by Civil Judge, Jr. Division, Karnal vide which the evidence of the plaintiff was closed by order and the case was fixed for evidence of defendants and also against the order dated 29.4.2019 vide which application for recalling order dated 20.4.2019 was dismissed.

Notice of revision petition was given to the respondents, who were duly served but did not turn up to offer a contest.

I have heard learned counsel for the revisionist besides going through the record.

A perusal of the impugned order goes to show that though the plaintiff has been somewhat negligent in not concluding her evidence despite availing of 13 opportunities but the ends of justice demand that she should be given at least one more opportunity to conclude her evidence so that no prejudice is caused to her in the proceedings. Of course, the

defendants can be duly compensated by payment of cost. Therefore, the revision petition is accepted. The impugned order is set aside with a direction that the trial Court will allow the plaintiff one more opportunity to conclude her entire evidence fixing a date for that purpose. The plaintiff would be permitted to take Dasti summons for service of PWs, if any, however, the request for further adjournment on behalf of the plaintiff shall not be entertained. The plaintiff is burdened with Rs.10,000/- as cost. Out of this amount Rs.5,000/- be deposited with the District Legal Services Authority, Karnal and Rs.5,000/- be paid to the defendants. The deposit/ payment of cost would be a condition precedent for allowing the plaintiff to adduce evidence. It is stated that next date of hearing fixed in the trial Court is 16.9.2019 for defendants evidence. The trial Court shall fix a date for evidence of plaintiff and on that date she would produce her entire evidence. A copy of this order be sent to the trial Court for necessary compliance.

(H.S. MADAAN)
JUDGE

September 02, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No