

CR No.7196 of 2019 (O&M)
Date of Decision: 15.11.2019

Tanishka Chauhan

....Petitioner

Versus

Capt. Man Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

NIRMALJIT KAUR, J. (ORAL)

The present revision is filed against the orders dated 9.10.2019 (Annexure P-5) and 22.10.2019 (Annexure P-7), vide which, the application of the petitioner as necessary party for summoning the plaintiff witnesses, was dismissed on the basis of an earlier order dated 20.4.2019 and subsequently the second application for reviewing/recalling of the order dated 9.10.2019 seeking permission to deposit the diet money and expenses for remaining plaintiff witnesses was also declined in view of the same order dated 20.4.2019.

A perusal of the order dated 20.4.2019 shows that the plaintiff was granted one last effective opportunity to conclude her evidence. Without going into the merits the said application was declined simply in view of the order dated 20.4.2019. Similarly, the subsequent application for reviewing/recalling of the order dated 9.10.2019 was dismissed once again only in view of the order dated 20.4.2019 without going into the merits once again.

Prayer of the petitioner is only to allow her to examine official witnesses. The Court should have taken a lenient view taking into account that the petitioner is a minor of 9 years old although pursuing the suit through her mother. In any case, the applications have been dismissed without going into the merits.

In view of the above, this Court does not deem it proper to issue any notice, as the same would only delay the suit further, which may not be in the interest of either of the parties and also taking into account the only prayer is for allowing the petitioner one last opportunity to lead her evidence. Accordingly, the orders dated 9.10.2019 (Annexure P-5) and 22.10.2019 (Annexure P-7), are set aside and the petitioner is granted one last opportunity to examine the official witnesses as mentioned in the application itself for which the diet money and expenses for the same shall be deposited forthwith. The date for examining the witnesses shall be fixed by the trial Court, on which date the witnesses shall come present.

The revision stands allowed as above.

(NIRMALJIT KAUR)
JUDGE

15.11.2019
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No