

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

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CR-342-2020 (O&M)

Date of Decision : 06.07.2022

Neelam Singla

...Petitioner

versus

Satish Kumar

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K.Arora, Advocate, for the petitioner.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been filed challenging the order dated 25.11.2019 (Annexure P-1) whereby the evidence of the plaintiff-petitioner has been closed by order.

Learned counsel for the plaintiff-petitioner would contend that only the plaintiff herself needs to step into the witness box. Remaining evidence has already been led. It further the contention that one effective opportunity may be granted to the plaintiff-petitioner to conclude her evidence. It is further the contention that due to wrong advice of the counsel, the plaintiff-petitioner did not appear for getting her statement recorded and now the counsel has also been changed.

Vide order dated 17.01.2020, notice of motion was issued. However, despite service none has been putting in appearance on behalf of the defendant-respondent. Hence, the defendant-respondent is proceeded against ex-parte.

In the present case, only the plaintiff-petitioner needs to step into the witness box and her remaining evidence has been recorded. The evidence of the defendant-respondent is yet to start.

Keeping in view the totality of the circumstances as also the fact in that order to do complete justice with between the parties it would be expedient for the plaintiff-petitioner to step into the witness box to get her statement recorded, I deem it appropriate to grant one effective opportunity to the plaintiff-petitioner to conclude her evidence at her own responsibility.

The present revision petition is accordingly allowed subject to payment of Rs.10,000/- as costs to be paid to the defendant-respondent. Pending applications, if any, also stand disposed off.

July 06, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO