

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.2589 of 2017 (O&M)
Date of Decision : 08.12.2022**

Bimla

....Petitioner

VERSUS

PSPCL and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Arora, Advocate for the petitioner.

Ms. Anju Arora, Advocate for respondent nos.1 and 2.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the orders dated 30.11.2016 (Annexure P-2) and 08.03.2017 (Annexure P-1) whereby evidence of the plaintiff-petitioner was closed by order and thereafter an application for recalling the order dated 30.11.2016 was also dismissed.

Learned counsel for the plaintiff-petitioner would contend that the suit has been filed by the plaintiff-petitioner as an indigent person under Order XXXIII Rule 1 of the Code of Civil Procedure, 1908 for recovery of Rs.20 lakhs as compensation on account of death of her son on 04.12.2009. It is further the contention that the plaintiff-petitioner had two sons and both of them have died and that she was in depression and hence could not lead evidence. Learned counsel for the plaintiff-petitioner has further stated that given two effective opportunities, the plaintiff-petitioner would lead her entire evidence.

Per contra learned counsel for respondent nos.1 and 2 has vehemently contended that numerous opportunities were given and despite

that the evidence was not led and the order closing evidence of the plaintiff-petitioner has rightly been passed.

I have heard learned counsel for the parties.

The present is rather a harsh case where the plaintiff-petitioner has filed a suit for recovery of Rs.20 lakhs as compensation on account of death of her son. The suit was also filed after a delay of 18 days due to the fact that the other son of plaintiff-petitioner who was suffering from Cancer expired on 07.12.2012. The plaintiff-petitioner is stated to have been in depression and was hence unable to lead her evidence.

In view of the circumstances as discussed above and in order to do complete justice to the parties, the present revision petition is allowed and the impugned orders dated 30.11.2016 (Annexure P-2) and 08.03.2017 (Annexure P1) are set aside. The plaintiff-petitioner shall be granted two effective opportunities to lead her entire evidence. Pending applications, if any, also stand disposed off.

08.12.2022
jk

(ALKA SARIN)
JUDGE

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