

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

CR-291-2022

Date of decision : 12.12.2022

Surinder Kaur

...Petitioner

Vs.

Jaswinder Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.
Mr. Amarbir Singh Pahwa, Advocate
for the respondent No.1.
Mr. J.S.Jaidka, Advocate for respondent No.3.

MANOJ BAJAJ, J.

Petitioner (plaintiff) is aggrieved against the order dated 05.02.2020 (Annexure P-3) passed in Civil Suit No.3469-2017, whereby the Civil Judge (Junior Division), Ludhiana has closed her evidence by court order.

Learned counsel for the petitioner (plaintiff) has argued that on 05.02.2020, Civil Judge (Junior Division) Ludhiana closed the plaintiff's evidence and adjourned the case for 12.03.2020 for concluding the cross examination of PW-3 as on the said date, the witness was not present post lunch session. He submits that once, the case was adjourned for conclusion of the plaintiff's evidence, the extreme order of closure of the plaintiff's evidence ought not to have been passed. Learned counsel states that the plaintiff has already examined his material witnesses including the cross-examination of PW-3. He submits that plaintiff wishes to examine Buta Singh, who is witness to the written compromise dated 23.07.2009 and if one opportunity is granted, the said witness would be examined by the plaintiff on his own responsibility.

While opposing the prayer, learned counsel for the respondent Nos.1 and 3 have argued that the plaintiff was given various opportunities to conclude his evidence, but he failed to do so, therefore, the Court has rightly passed the order closing her evidence. They submit that after closure of plaintiff's evidence, even defendants have examined DW-1 Jaswinder Singh (NRI) and the case is now coming up for recording his cross-examination on 22.12.2022.

After hearing learned counsel for the parties and considering the above background, this Court finds that if one opportunity is granted to the plaintiff/petitioner to conclude her evidence, no prejudice would be caused to the defendants, who are yet to adduce their evidence. Apart from it, even after closure of plaintiff's evidence on 05.02.2020, there was breakout of pandemic COVID-19, which resulted in delay in conclusion of suit proceedings and the cross-examination of PW-3 was concluded on 14.09.2022.

Resultantly, the petition is allowed, the impugned order dated 05.02.2020 (Annexure P-3) is set aside and petitioner is granted one opportunity to conclude her evidence, after conclusion of cross-examination of DW-1.

(MANOJ BAJAJ)
JUDGE

12.12.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No