

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

122

CR-2414-2019

Date of decision: 17.10.2022

RASHMI

..Petitioner

Versus

MANJEET AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioners's suit for recovery of *istridhan* is pending before the trial Court. The respondents are her husband and in-laws. The Court has closed her evidence on the ground that she has failed to conclude the evidence despite opportunity being given. The respondents despite service have not entered appearance to contest the present revision petition.

The learned counsel representing the petitioner contends that in order to prove her case, she with permission of the Court deposited the diet money and the necessary charges on 18.02.2019, for summoning the following witnesses:- 1. Concerned Clerk of Court of ACJM, Gurgaon alongwith records of case titled as State Vs. Manjeet in FIR No.111 dated 12.03.2011 PS Sadar, Gurgaon U/s 498A/406/506/323/34 of IPC which is pending on 28.02.2019; 2. Concerned Clerk/record Keeper/MHC of P.S. Sadar, Gurugram alongwith FIR No.111 dated 12.3.2011 lodged by Rashmi; 3. Smt. Tara Devi W/o Sh. Sushil Kumar D/o Late Sh. Dalip R/o Village Samaspur (ujwa), Najafgarh, New Delhi. However, the Court without permitting the plaintiff to examine the witnesses who had already been summoned, closed the evidence on 15.03.2019.

Once, the witnesses have been permitted to be summoned through the process of the Court, the trial Court was required to examine as to whether the aforesaid witnesses have either appeared or their presence would have been ensured. The petitioner appears to be a destitute lady. The Court was expected to be more considerate while dealing with such suits.

Keeping in view the aforesaid facts, the order dated 15.03.2019, is set aside. The plaintiff should be granted an opportunity to examine the witnesses who were summoned vide application dated 18.02.2019, which was allowed by the Court.

With these observations, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

October 17th, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*