

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.2439 of 2019 (O&M)
Date of Decision : 20.12.2022**

Jyotsna Khunger

....Petitioner

VERSUS

Sarla Monga and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sahil Khunger, Advocate for the petitioner.

Mr. Hitesh Ghai, Advocate
for respondent no.1, LRs of respondent nos.2 and 4 and
respondent no.5.

None for respondent no.3.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 08.02.2019 whereby the opportunity to cross-examine DW, Anil Sawhney (respondent no.5 herein), and further to lead evidence has been closed by order.

Learned counsel for the petitioner would state that numerous applications were filed and the litigation came upto this Court and hence, there was delay in leading the evidence.

Per contra learned counsel for the respondents has vehemently contended that numerous opportunities were taken by the petitioner for leading her evidence, however, she failed to do so. Learned counsel for the respondent has further pointed out to the *zimni* orders wherein repeatedly costs were imposed on the petitioner for failing to lead her evidence.

Heard.

In the present case, vide the impugned order the opportunity to cross-examine DW, Anil Sawhney, has been treated as nil as also the

evidence of defendant no.3 (petitioner herein) has been closed by order. The present suit pertains to a family dispute and in order to do complete justice to the parties, I deem it appropriate to grant two effective opportunities to the defendant-petitioner to cross-examine DW, Anil Sawhney, as well as to lead her entire evidence at her own responsibility, subject to payment of Rs.15,000/- as costs to the plaintiff-respondent no.1 and payments of Rs.30,000/- as costs to the contesting defendants, which shall be apportioned equally amongst them.

The present revision petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

20.12.2022
jk

(ALKA SARIN)
JUDGE

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