

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

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CR-1835-2022 (O&M)
Date of Decision : 15.07.2022

Smt. Anu Narang

...Petitioner

versus

M/s Rama Hosiery Works and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aayush Gupta, Advocate for the petitioner.
Mr. Bhavesh Aggarwal, Advocate

for respondent Nos.1, 2 and 4.

Mr. Mohd. Yousaf, Advocate for respondent No.5.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 17.11.2021 whereby the evidence of the plaintiff was closed by order.

Learned counsel for the petitioner would contend that evidence of some of the witnesses has been partly recorded and further, besides evidence of three witnesses, cross-examination of PW-2, PW-3 and PW-4 also remain to be recorded. Learned counsel would further contend that if two effective opportunities are granted to the petitioner, she would conclude her evidence at her own responsibility.

Per contra, learned counsel for the respondent Nos.1, 2 and 4 and respondent No.5 have vehemently contested the present petition on the ground that the conduct of the petitioner needs to be seen. Despite numerous opportunities she did not conclude her evidence and costs imposed were also

not paid. It has further been contended that an application under Order 39 Rules 1 and 2 CPC was dismissed qua which an appeal had been preferred by the petitioner and the same has also been dismissed in default. Learned counsel would further contend that the impugned order was passed on 17.11.2021 and thereafter the present application was filed only once the defendant had moved an application under Order 17 Rule 3 CPC.

Heard.

In the present case, it is the admitted position that till date no order has been passed on the application under Order 17 Rule 3 CPC. Learned counsel for the petitioner has stated that if two effective opportunities are given, the petitioner would conclude her evidence. The petitioner has definitely been remiss in not concluding her evidence. However, in order to impart complete justice between the parties, this Court deems it appropriate to grant two effective opportunities to the plaintiff-petitioner to conclude her evidence at her own responsibility subject to payment of Rs.10,000/- each as costs to be paid to defendants Nos.2 to 4, who are partners of defendant No.1-Firm, and Rs.10,000/- as costs to be paid to respondent No.5 who is the subsequent purchaser. It is made clear that no further opportunity shall be granted to the plaintiff-petitioner in any circumstance.

Disposed off. Pending applications, if any, also stand disposed off.

July 15, 2022
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(ALKA SARIN)
JUDGE

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