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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5046-2022

Date of decision : 10.11.2022

SUKHWINDER KAUR

..... PETITIONER

VS

JASKARAN SINGH AND ANR.

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE ALOK JAIN

Present :- Mr. Deepak Kaushal, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

The present revision petition has been preferred against the order dated 03.10.2022 passed by Ld. Addl. Civil Judge, Dabwali, whereby the evidence of the plaintiff has been closed vide the said order.

Counsel for the petitioner submits that only one witness i.e. the hand-writing expert, Mr. Anil Kumar Gupta, was to submit his report and vide intimation dated 29.09.2022 (Annexure P-4), the said witness has informed that there was Bhog ceremony of his father-in-law and requested the matter to be taken up on 07th October 2022. He further submits that the learned Court below has not even considered the said advance information given by the hand-writing expert to the Court and there is not even whisper about the same in the impugned order. He submits that only one PW is yet to be examined and undertakes to do the needful if only one effective opportunity is granted. He further prays that the cost may not be imposed as the reason for the

absence of the witness was beyond control and more so the witness had

informed that he could not remain present on the date of hearing i.e 03.10.2022 in advance.

After hearing the counsel for the petitioner, this Court is of the opinion that at this stage, the issuance of notice of motion can be dispensed with in order to avoid further delay in disposal of the main suit by the trial Court as in the eventuality of issuance of notice of motion, this Court will have to direct the trial Court to adjourn the case.

Accordingly, the present petition is allowed and the impugned order dated 03.10.2022, is set aside and the trial Court is directed to grant one effective opportunity to the petitioner to complete the entire evidence including cross-examination of the hand-writing expert. Since the counsel for the petitioner has informed that the matter is already fixed for 07.12.2022, the petitioner is directed to complete the entire evidence on the date already fixed i.e. 07.12.2022. This will however be subject to payment of cost of Rs.5000/- to be paid to the respondent-defendant.

(ALOK JAIN)
JUDGE

10.11.2022

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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No