

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 115

Civil Revision No.5942 of 2022 (O & M)

Date of Decision: December 15, 2022

Sukhpinder Kaur

..... PETITIONER(S)

VERSUS

Master Abhishek & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. S.S. Salar, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside 29.11.2022 (Annexure P-5) whereby application for leading additional evidence by summoning an official from the Police Station, Pinjore, to prove cancellation of FIR 102 dated 28.03.2017 has been dismissed. Learned counsel for the petitioner-defendant No.2 states that it was only on account of fault on the part of trial Court counsel that defendant's evidence was closed on 01.10.2022 on a request having been made by him. He further states that adducing of evidence regarding cancellation of the FIR is material to the facts and circumstances of the case. Besides, the case is already fixed for defendants' documentary evidence only on 02.01.2023.

In the interests of justice and keeping in view the fact that no party should be made to suffer on account of fault of the counsel, it is deemed appropriate to grant one last opportunity to the defendant(s) to

adduce evidence regarding cancellation of aforesaid FIR by producing only one witness on the date fixed before the trial Court, subject to payment of ₹ 15,000/- as costs to the plaintiff. No further opportunity shall be granted to the purpose.

Disposed of.

Since the main petition stands decided, all pending applications, if any, are disposed of having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

December 15, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No