

333-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 550 of 2023(O&M)

Date of Decision: 10.08.2023

Gunwant Kaur

...**Petitioner**

Versus

Sarabjit Singh (deceased) through LRs & Ors.

...**Respondents**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Abhinav Gupta, Advocate
For the petitioner.**

**Mr. K.S. Chahal, Advocate
For the respondents.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner/ plaintiff for setting aside order dated 22.12.2022 (Annexure P-14) passed by the Court of Civil Judge (Jr.Divn.), Patiala whereby the evidence of the petitioner has been closed by order by the said Court.

2. I have heard the counsel for the parties.

3. The counsel for the petitioner submits that petitioner/ plaintiff has filed civil suit for declaration and separate possession by way of partition of the suit land against the respondents which has been contested by the respondents and respondents also filed counter claim. The counsel for the petitioner submits that there was no intention of the petitioner to delay the proceedings before the learned trial Court. That from the perusal of order dated 24.11.2022 passed by the learned trial Court, it is evident that the case

was adjourned to 08.12.2022 on the request made by counsel for the respondent. On 08.12.2022 the petitioner was present for her cross examination and was partly cross examined and the opposite counsel requested for date for remaining cross examination of the petitioner and suit was adjourned to 14.12.2022 for that purpose. On 14.12.2022 written request was made by the counsel for the petitioner as the petitioner was to go abroad on 18.12.2022 to attend convocation of her nephew and consequently the case was adjourned to 15.12.2022 for cross examination of the petitioner and on that day petitioner was partly cross examined and then case was adjourned to 17.12.2022. That on 17.12.2022 there was written request on behalf of the petitioner as she was to fly to United Kingdom on the very next day and accordingly the case was adjourned to 22.12.2022 and finally the evidence of the petitioner was closed by order on that date without taking into consideration the fact that the petitioner was away from India at that time. The counsel for the petitioner further submits that only remaining cross examination of the petitioner remains to be conducted and for that purpose one opportunity be given to the petitioner.

4. The present petition is resisted by counsel for respondents No.1 and 2, who during arguments has not disputed the fact that the cross examination of petitioner is yet to be concluded. So, he is having no objection if permission is given to the petitioner to appear in the trial Court in order to get concluded her cross examination subject to costs.

5. I have considered the submissions made by counsel for the parties.

6. In the light of the above, the present petition is allowed and the impugned order is set aside and one last opportunity is granted to the

petitioner to tender herself for her further cross examination by the opposite party before the learned trial Court, subject to cost of Rs.5000/- which is to be paid by the petitioner to the defendants on the next date of hearing fixed before the trial Court.

10.08.2023

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(KARAMJIT SINGH)
JUDGE

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