

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-1111-2023 (O&M)  
Date of decision: 13.04.2023

MEERA JYOTI

...Petitioner

VS

M/S SUDARSHAN KUMAR NAVAL KISHORE

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. G.S. Rawat, Advocate for  
Mr. Sandeep Arora, Advocate,  
For the petitioner.

Mr. Harminder Singh, Advocate,  
For the respondent.

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**ARUN MONGA, J. (ORAL)**

Present revision petition is to set aside impugned order dated 20.01.2023 passed by Learned Civil Judge (Junior Division), Jalandhar in civil suit No. 1049 of 2016 titled '*Sudarshan Kumar Naval Kishore Seth Vs. Meera Jyoti*' whereby evidence of petitioner/defendant was closed by Court order.

2. Learned counsel appearing on behalf of petitioner submits that respondent-plaintiff filed a suit for recovery of Rs.4,35,000/- on the allegations that husband of petitioner was running the business close to the business premises of plaintiff; They had friendly relations, on account of which, plaintiff/ respondent extended financial help of Rs.3 lakhs for domestic purpose to petitioner/defendant, who promised to return the same

after one year. However, after availing the said loan, petitioner/defendant did not repay the same.

2.1 He further submits that evidence of plaintiff-respondent was closed on 15.11.2019 and case was fixed for defendant evidence on 29.11.2019. Thereafter, on account of COVID-19 Pandemic situation, case was adjourned from time to time and for almost two years no witness was examined. Vide impugned order dated 20.01.2023, evidence of petitioner/defendant was closed by Court order by observing that numerous opportunities have been granted to petitioner to lead evidence.

2.2. Learned counsel for petitioner fairly concedes that technically speaking, learned Court below is correct in its assertion that several opportunities were granted for adducing evidence, however, he submits that though it may on first flush seem to suggest as if defendant is responsible for delay, but in reality, same was caused due to summoning of official witnesses, who could not turn up owing to which adjournments were necessitated.

3. Upon service, learned counsel for the respondent causes appearance and at the threshold submits that in order to expedite the disposal of the trial in the Court below, he is under instructions from his client that he is not opposed the revision petition being allowed. Elaborating further, he submits that case is pending since 2016 before learned Court below and respondent, being an octogenarian, has no objection to the same.

4. I have heard learned counsel for parties and perused the case file.

5. In the peculiar circumstances, I deem it appropriate to grant one more opportunity to petitioner-defendant to lead evidence. To that extent,

impugned order is modified and the revision petition is allowed. Petitioner is granted one more opportunity to conclude her evidence. Learned Trial Court is requested to proceed expeditiously with the case without granting any unnecessary adjournments.

- 6. Disposed of, accordingly.
- 7. Pending application(s), if any, shall also stand disposed of.

**(ARUN MONGA)**  
**JUDGE**

**13.04.2023**  
Vandana

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