

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

(115)

CR-2757-2023

Date of Decision : May 04, 2023

Reena Yadav

.. Petitioner

Versus

Lavleen Yadav

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Atul Ravish, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present civil revision petition has been filed for setting aside the order dated 12.04.2023 (Annexure P-5) by which, the defence of the petitioner-respondent has been struck off.

Learned counsel for the petitioner argues that initially the petitioner-respondent was proceeded ex parte on 24.07.2019 and an application was filed for setting aside the said ex parte order, which application attained finality on 22.03.2023 (Annexure P-4) and the case was adjourned to 12.04.2023 and on the said date, the evidence of the petitioner-respondent has been closed by the trial Court meaning thereby that only one opportunity has been granted to the petitioner to lead the evidence, which cannot be treated as sufficient in any case.

From the order dated 22.03.2023 (wrongly mentioned as 23.03.2022) (Annexure P-4) coupled with the order dated 12.04.2023

(Annexure P-5), only one opportunity was granted to the petitioner-respondent to lead evidence whereas, at least three opportunities should have been granted to the petitioner-respondent to bring on record the evidence.

Keeping in view the above, the order dated 12.04.2023 (Annexure P-5) is set aside. The petitioner-respondent is granted two opportunities to bring on record the evidence which will include the next date of hearing before the trial Court i.e. 30.05.2023 and a date thereafter. No further opportunity will be granted to the petitioner-respondent apart from the opportunities mentioned in this order.

The present civil revision petition is allowed in above terms.

As the present order is being passed without hearing the respondent, in case the respondent feels prejudice in any manner, the respondent will be at liberty to revive the present petition by filing appropriate application.

May 04, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No