

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CR No.4878 of 2019

Date of Decision : 21.03.2023

Jaswinder Kaur

....Petitioner

VERSUS

Charan Dass and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Batra, Advocate for the petitioner.

None for the respondents.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 11.07.2019 vide which the evidence of the petitioner (defendant No.1) and defendant no.2 in the suit was closed by order. The present revision petition has been preferred only by defendant No.1-petitioner herein and no challenge to the order dated 11.07.2019 has been laid by defendant No.2 i.e. Kulwant Kaur till date.

Notice of the revision petition was issued to the respondents. Initially, Mr. Naresh Kumar, Advocate had put in appearance on behalf of the respondents but thereafter none put in appearance on behalf of the respondents on 14.03.2022 and 13.07.2022. Learned counsel for the petitioner would contend that though in the impugned order it has been noticed that 25 effective opportunities were taken by the defendants to conclude their evidence, however, the opportunities were not taken by defendant No.1-petitioner herein but by defendant No.3 – Gram Panchayat. Learned counsel for the petitioner would further contend that the petitioner only wishes to examine herself as a witness and given one opportunity she would do so. Learned counsel for the petitioner has contended that the petitioner is willing to compensate the respondents by way of costs.

Since none has put in appearance on behalf of the respondents on 14.03.2022 and thereafter on 13.07.2022 and even today, they are proceeded against *ex parte*.

I have heard learned counsel for the petitioner.

In the present case the petitioner, who is defendant No.1, only wishes to examine herself in evidence. As per counsel, the earlier 25 opportunities mentioned in the impugned order were not taken by defendant No.1-petitioner but by defendant No.3 – Gram Panchayat. The evidence of the Gram Panchayat was closed by order on 05.02.2019 and it is only thereafter that the case was adjourned for the evidence of defendant No.1-petitioner herein and defendant No.2.

In view of the above and in order to do complete justice between the parties, this Court deems it appropriate to grant one effective opportunity to defendant No.1-petitioner herein to lead her evidence subject to payment of Rs.30,000/- as costs to be paid to the plaintiff-respondent No.1 herein. It is made clear that the payment of costs shall be a condition precedent.

The impugned order qua the petitioner-defendant no.1 is accordingly set aside and the present revision petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

21.03.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO