

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.136

CR-4451-2023

Date of Decision: 07.08.2023

BHOLI DEVI AND ANOTHER

....Petitioners

Versus

DHARAM CHAND AND OTHERS

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Jagjot Singh, Advocate for the petitioners.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 20.07.2023 (Annexure P-1), passed by the Court below, thereby closing the evidence of the plaintiff, by order.

Learned counsel for the petitioners heard.

It is submitted by learned counsel for the petitioners/plaintiffs that initially, the plaintiffs had filed the suit for seeking declaration qua defendants No.1 and 2. In pursuance of framing of issues, the case, at first instance, was fixed for evidence of the defendants, somewhere in March, 2019. Thereafter the respondents had availed several opportunities to lead evidence.

Also, it is submitted that, on account of Covid-19 situation, the case remained pending and ultimately, the evidence of the defendants was closed on 19.01.2023 and the case was fixed for recording of the evidence of the petitioner.

Learned counsel for the petitioners has placed on record the copies of the zimini orders, which are taken on record. Perusal of the same reveals about the case to be fixed for evidence of the petitioner for 04.02.2023. However, no PW was present on 04.02.2023 and the case was

fixed for 09.03.2023 and on that date also, no PW was present and the case was again adjourned further for 06.04.2023. However, the case was taken up on 05.04.2023 and on that date, the Court was on leave and the case was adjourned further for 09.05.2023. On 09.05.2023, two witnesses were examined and their cross-examination was deferred on the request of counsel for respondents/defendants No.1 to 3 and the case was adjourned further for 20.05.2023. On 20.05.2023, no PW was present and the case was adjourned for 11.07.2023 for cross-examination. However, learned counsel submits that on the next date i.e. on 20.07.2023, the evidence of the petitioner was closed by order.

Learned counsel further submits that it is only PW-1 and PW-2, who are to be examined and their affidavits have since been tendered into evidence and only the cross examination remains to be conducted. No further proceedings, as such, has been conducted in pursuance of passing of the impugned order.

Considering the aforesaid fact situation, in the interest of justice, the instant revision petitions is allowed and the petitioners shall make themselves available before the concerned Court and learned Lower Court shall make an endeavour to conduct the cross-examination of the said witnesses, subject to payment of Rs.10,000/-, as costs, in the Poor Patient Welfare Fund of PGIMER, Chandigarh, within a period of seven days from today onwards.

07.08.2023
Sonu

(ARCHANA PURI)
JUDGE

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