

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 5980 of 2022 (O&M)****Date of Decision: 23.11.2023**

Kuldip Kaur

... Petitioner(s)

Versus

Sukhwinder Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Saurav Bhatia, Advocate
for the petitioner(s).Mr. Sarju Puri, Advocate
for the respondent No.1.**Anil Kshetarpal, J.**

1. On 16.12.2022, the following order was passed:-

“Learned Counsel contends that the impugned order is legally unsustainable as the DW could not be present on the date fixed despite best efforts by the petitioner; therefore, the petitioner entitled to one opportunity to lead evidence on such terms as to costs as deemed appropriate by this Court especially in view of the fact that the order was passed on the erroneous assumption that despite imposition of costs, DW’s were not present, whereas a perusal of the zimni orders reveal that no costs were ever been imposed, therefore, in the circumstances, at best the learned trial Court could have imposed costs while granting last and final opportunity to enable the petitioner to examine the DWs.

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Notice of motion for 13.02.2023.

In the meantime, proceedings before the learned trial Court be deferred to a date beyond the date fixed before this Court.”

2. Keeping in view the aforesaid facts, the petitioner is granted one opportunity to conclude his evidence subject to payment of cost of ₹5,000/- which shall be payable by way of a demand draft or banker's cheque in favour of the respondent.

3. With the observations made above, the present revision petition is disposed of.

4. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

November 23, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No