

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.708 of 2024
Date of Decision: 06.02.2024

Kuldeep Kaur
.....Revisionist-Petitioner.

Versus

Pardeep Kishore and others
.....Respondents.

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Kewal Singh, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as ‘the plaintiff’) has laid challenge to the order (Annexure P-13) passed by learned Civil Judge (Junior Division), Jalandhar (for short ‘the trial Court’) on 19.01.2024 in *Civil Suit No.4748 of 2018* titled as ‘*Kuldeep Kaur Versus Pardeep Kishore and others*’, whereby her evidence has been closed, while observing that she had failed to conclude the same despite availing numerous opportunities for the above-said purpose.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision-petition, at the preliminary stage and have perused the file carefully.

3. A perusal of Annexures P-2 to P-13, i.e the copies of the ‘*zimni*’

orders passed by the trial Court in the afore-mentioned Civil Suit, reveals that on a few occasions, the summoned witnesses had not brought the requisite record and on one occasion, the cross-examination of the witness had been deferred.

4. Keeping in view the above-discussed facts and circumstances as well as the submission, as made by learned counsel for the plaintiff during the course of arguments, to the effect that the plaintiff has not yet appeared in the witness-box to make depositions in support of the averments as canvassed in the Plaint and also the fact that in case she (plaintiff) is deprived of her valuable right to appear as her own witness, the same may lead to/result in mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if the plaintiff is granted one opportunity to conclude her evidence but subject to the payment of cost to the respondents-defendants.

5. Resultantly, without issuing the notice to the respondents-defendants so as to avoid any further delay in the adjudication of the afore-referred Civil Suit and also to avert the expenses that they may have to incur to defend in this petition, the impugned order dated 19.01.2024 is set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned trial Court to afford only one opportunity to the plaintiff to conclude her evidence but the payment of cost to the tune of Rs.30,000/- to the respondents-defendants shall be a condition precedent for doing so and in case of default on the part of the plaintiff in concluding

her evidence or in the payment of cost on 08.02.2024, i.e the date as stated to have been scheduled by the trial Court in the above-said Civil Suit, she (plaintiff) shall not be entitled to any further opportunity for the aforementioned purpose.

6. It is also clarified here that in the eventuality of feeling aggrieved by this order, the respondents-defendants shall be at liberty to move an appropriate application to contest the instant revision-petition.

February 06, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No