

**CR-5938-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(132)****CR-5938-2024****Date of Decision: - 15.10.2024****Sukhwinder Kaur @ Lakhbir Kaur****....Petitioner****Versus****Rajwinder Kaur and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL****Present:- Ms. Mahima Dogra, Advocate, for the petitioner.************VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.09.2024 (Annexure P-1), passed by the Additional Civil Judge (Senior Division)-1, vide which the evidence of the petitioner has been closed.

2. Learned counsel for the petitioner has submitted that only ground on which the petitioner is seeking leniency is that she is an illiterate lady, who resides in Uttar Pradesh and is not aware about the technicalities of the proceedings and has submitted that for the inconvenience caused to respondents No.1 to 3/plaintiffs, the petitioner is ready to compensate the said respondents No.1 to 3. It is further submitted that in case, the petitioner is not permitted to lead her evidence, she would suffer irreparable loss.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one last effective opportunity to lead her entire evidence and accordingly, the

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present revision petition is partly allowed and the impugned order dated 19.09.2024 (Annexure P-1) is set aside to the extent that the evidence of the petitioner/defendant No.4 has been closed by order and one last effective opportunity is granted to the petitioner to lead her entire evidence at her own responsibility and the same would be subject to the petitioner depositing the cost of Rs.30,000/- on 21.10.2024, which is stated to be the next date of hearing, before the trial Court and on depositing the said amount, the trial Court is directed to release the said amount of Rs.30,000/- to respondents No.1 to 3 in equal sums i.e. Rs.10,000/- each.

4. It is made clear that in case, the witnesses of the petitioner do not appear on 21.10.2024 for leading their evidence or the petitioner does not deposit the cost of Rs.30,000/- on the said date, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to respondents No.1 to 3 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for the respondents No.1 to 3 in order to defend the present petition. However, it would be open to respondents No.1 to 3 to move an application for recalling the present order in case, any of the statement made before this Court is found to be false/incorrect.

October 15, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
 Whether reportable?

Yes/No
 Yes/No