



CR-5907-2024

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(124)

CR-5907-2024

Date of Decision: - 15.10.2024

Sarabjit Kaur and another

....Petitioners

Versus**Ranjit Singh and another**

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.S. Dhindsa, Advocate,
for the petitioners.

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 04.09.2024 (Annexure P-3) passed by the Civil Judge (Junior Division), Payal, whereby the evidence of the petitioners/plaintiff has been closed.

2. Learned counsel for the petitioners has submitted that on 10.07.2024, the petitioner No.2 had appeared as PW1 and his examination-in-chief was recorded and the cross-examination of the said PW1 was deferred on the request of learned counsel for the defendants and accordingly, the case was adjourned to 31.07.2024. It is further submitted that on 31.07.2024, the said PW1 Swaran Singh was present and was further partly cross-examined and the remaining cross-examination was deferred for want of documents and thereafter, the case

**CR-5907-2024****-2-**

was deferred to 04.09.2024, on which date also PW1 Swaran Singh had appeared and was examined completely. It is stated that on account of non-presence of the other witnesses, the evidence of the petitioners/plaintiff was closed, vide order dated 04.09.2024 and the case is now listed for 23.10.2024. It is further stated by learned counsel for the petitioners that the petitioners would conclude their entire evidence in case one effective opportunity is granted to them. It is fairly submitted that since there is fault on the part of the petitioners also, as on several dates no witness of the PW was present, thus, the petitioners are ready to pay adequate costs for the inconvenience caused to the respondents.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one effective opportunity to conclude their entire evidence subject to reasonable cost and accordingly, the present revision petition is partly allowed and the impugned order dated 04.09.2024 (Annexure P-3) is set aside to the extent that the evidence of the petitioners/plaintiffs has been closed by order and the petitioners are granted one effective opportunity, at their own responsibility, to conclude their entire evidence and the same would be subject to the petitioners depositing the cost of Rs.10,000/- on or before 23.10.2024, 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.10,000/- to respondents No.1 and 2 in equal share i.e. Rs.5,000/- each. The petitioners would produce all the witnesses before the trial Court on 23.10.2024 and the trial Court



CR-5907-2024

-3-

would give one effective opportunity to the petitioners, at their own responsibility, to conclude their evidence after giving reasonable opportunity to the respondents-defendants to cross-examine the said witnesses.

4. It is made clear that in case, the petitioners do not produce their witnesses on 23.10.2024 or do not deposit the cost of Rs.10,000/- 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 the respondents as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for the respondents in order to defend the present petition. However, it would be open to the respondents 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