



CR-6353-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6353-2024

Date of decision : 04.11.2024

Parveen Kaur

... Petitioner

Versus

Kulwinder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rishu Mahajan, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 03.10.2024 (Annexure P-4) as well as order dated 22.10.2024 (Annexure P-7) passed by the Civil Judge (Jr.Div.), Jalandhar in civil suit no.4961/2018 dated 14.08.2018 titled as "Kulwinder Kaur vs. Parveen Kaur".

2. Learned counsel for the petitioner has submitted that the first date for the evidence of the petitioner was 06.09.2023 and vide order dated 13.09.2024, the petitioner was granted one opportunity to lead evidence subject to payment of costs of Rs.1500/-. It is submitted that on 27.09.2024 the bar was abstaining from work and thus, none had appeared for the parties and the case was adjourned to 03.10.2024. It is submitted that on 03.10.2024, the petitioner had paid the costs of Rs.1500/- but since the

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health of the petitioner was not good as she was suffering from cramps, thus, she could not present her evidence and vide order dated 03.10.2024 the evidence of the petitioner was treated as nil. It is submitted that the petitioner thereafter moved an application for recalling the order dated 03.10.2024, which was dismissed vide order dated 22.10.2024. It is submitted that the matter is now listed for 05.11.2024 and in case the petitioner is not granted opportunity to lead evidence, then the suit filed by the respondent would be decreed without any opposition. It is prayed that the petitioner be granted one last effective opportunity for leading her entire evidence and she would produce her entire evidence on the date which would be given by the trial Court on 05.11.2024, which is the next date of hearing. It is submitted that for the delay in the proceedings, the petitioner is ready to compensate the respondent-plaintiff.

3. Keeping in view the above said facts and circumstances, this Court is of the opinion that one last opportunity can be granted to the petitioner to lead her entire evidence and accordingly, the present revision petition is partly allowed and the impugned orders dated 03.10.2024 as well as order dated 22.10.2024 to the extent that the evidence of the petitioner has been closed by order are set aside with the following directions:-

- i) The petitioner would present her entire evidence on a date given by the trial Court on 05.11.2024 which is stated to be the next date before the trial Court.
- ii) The witnesses, who are presented by the petitioner on the said date, would be only examined and then an opportunity



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would be granted to the respondent-plaintiff to cross-examine the said witnesses. No other evidence other than the witnesses which would be presented by the petitioner on the date given by the trial Court would be permitted to be examined.

iii) The same would be subject to the petitioner depositing costs of Rs.20,000/- before the trial Court on 05.11.2024 and the said amount would be released to the respondent-plaintiff by the trial Court.

4. It is made clear that in case the said amount is not deposited before the trial Court on 05.11.2024, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent as issuance of notice to her would further delay the proceedings and would also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent to move an application for recalling of the present order in case any of the arguments raised before this Court on behalf of the petitioner is false/incorrect.

(VIKAS BAHL)
JUDGE

November 04, 2024.
Davinder Kumar

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