



CR-6466-2024

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

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Date of decision : 07.11.2024

Dayawati

... Petitioner

Versus

Ranjeet

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parveen Sharma, 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 side the order dated 16.08.2024 (Annexure P-9) passed by the Additional Civil Judge (Sr.Div.), Kharkhoda, in Civil Suit no.353 of 2017 titled as “Smt.Dayawati vs. Ranjeet” vide which the matter has been adjourned for defendant's evidence without allowing the plaintiff to lead and conclude her evidence.

2. Learned counsel for the petitioner has submitted that the petitioner is 70 years old mother of the respondent, who had filed a suit for cancellation of the gift deed dated 02.09.2011, which is stated to be executed by the petitioner in favour of her son. It is submitted that the petitioner has already examined herself and only wishes to examine two more witnesses and prays that one last opportunity be granted to the

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petitioner for leading her entire evidence. It is submitted that on account of old age of the petitioner, she was not able to fully and properly pursue the case for which the petitioner is ready to compensate the respondent.

3. Keeping in view the above said facts and circumstances, this Court is of the opinion that the petitioner deserves to be granted one more opportunity to lead her entire evidence and accordingly, the impugned order dated 16.08.2024 to the extent that the evidence of the petitioner has been closed by order is set aside and the present petition is partly allowed with the following directions:-

i) The petitioner would present all her witnesses before the trial Court on 02.12.2024, which is stated to be the next date of hearing before the trial Court. It is only the said witnesses, who appear on 02.12.2024, would be permitted to be examined by the petitioner. In case no witness is presented before the trial Court on 02.12.2024, then no further opportunity would be granted to the petitioner to lead further evidence.

ii) The petitioner would deposit Rs.5000/- on or before 02.12.2024 before the trial Court and the same would be released by the trial Court to the respondent.

iii) The trial Court would give reasonable opportunity to the respondent to cross-examine the said witnesses produced by the petitioner.

4. In the present case, no notice is being issued to the respondent as issuance of notice to him would further delay the proceedings and would

also entail expenses for the respondent to defend the present revision



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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 07, 2024.
Davinder Kumar

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