

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

**Sr. No.128**

**CR-7835-2023 (O&M)  
Date of Decision: 24.05.2024**

**LAKHVIR KAUR @ TALJIT KAUR**

**....Petitioner**

**Versus**

**JAGTAR SINGH AND OTHERS**

**.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Abdul Shehbaz Thind, Advocate,  
for the petitioner.

Mr. Hitesh Ghai, Advocate,  
for respondent No.1.

Service of proforma respondents No.2 to 5  
dispensed with, vide order dated 02.01.2024.

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**ARCHANA PURI, J. (Oral)**

Challenge in the present revision petition is to the order dated 14.11.2023 (Annexure P-10) passed by learned Trial Court, whereby an application under Order 151 CPC, for conducting remaining cross-examination of DW-1, Lakhvir Kaur, was dismissed and furthermore to the order dated 11.09.2023 (Annexure P-5), whereby the evidence of DW-1, Lakhvir Kaur, was closed by order.

Learned counsel for the parties heard.

From the paperbook, it is culled out that suit for recovery was filed at the instance of Jagtar Singh, against various defendants and the present petitioner-Lakhvir Kaur @ Taljit Kaur, was impleaded as defendant No.3. When the case was at the stage of recording of DWs,

Lakhvir Kaur @ Taljit Kaur, had made appearance and part statement was recorded. On 11.09.2023, she could not make appearance on medical ground and thereupon, the evidence of the defendant was closed by order, by the Court concerned and the case was fixed for rebuttal evidence and arguments.

Learned counsel for the petitioner-Lakhvir Kaur @ Taljit Kaur, while making reference to the various zimini orders placed on record as Annexure P-4, submits that prior to passing of the order dated 11.09.2023, Lakhvir Kaur @ Taljit Kaur, had been making appearance, time and again, but she was not cross-examined at the behest of the respondent No.1/plaintiff.

Perusal of the order dated 21.03.2023 reveals that DW-1, Lakhvir Kaur, had tendered into evidence her affidavit and further for her evidence, the case was adjourned to 06.04.2023, then to 18.04.2023 and thereafter to 24.04.2023, but however, she was not cross-examined. It was only on 05.05.2023 that Lakhvir Kaur was partly cross-examined and bound down for next date i.e. 11.05.2023. On 11.05.2023, again cross-examination of Lakhvir Kaur was not conducted, though, she was present and the case was adjourned to 26.05.2023. Similarly, on 26.05.2023, Lakhvir Kaur was present, but however, an adjournment was sought, at the behest of the respondent and the case was adjourned to 03.07.2023. Furthermore, on the subsequent dates i.e. 10.07.2023, 14.07.2023, 31.07.2023, 29.08.2023, 04.09.2023 and 05.09.2023, Lakhvir Kaur was though present, but her cross-examination was not

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conducted and from 05.09.2023, the case was adjourned to 11.09.2023.

On 11.09.2023, Lakhvir Kaur had not appearance and the impugned order was passed, thereby closing the evidence by order.

However, the perusal of aforesaid zimini orders reveals about Lakhvir Kaur to be present on multiple dates, but she was not cross-examined, at the behest of respondent No.1/plaintiff. In the given circumstances, it cannot be concluded about the delaying tactic to be adopted, at the behest of the petitioner, or the other defendants.

In the given circumstances and in the interest of justice, the instant revision petition is accepted and the impugned order is set aside. The petitioner is directed to make appearance before learned Trial Court on the date fixed i.e. 27.05.2024 and the Court concerned shall make an endeavour to examine the said witness, on that very date, or within a period of four days thereafter.

Besides the said witness, no further opportunity shall be given to lead any further evidence, at the behest of the defendant. However, if any document is to be tendered that may be tendered on the date, when Lakhvir Kaur will be examined.

In view of the aforesaid terms, the instant revision petition stands disposed of.

Pending application, if any, also stand disposed of.

**24.05.2024**

Himanshu

**(ARCHANA PURI)**  
**JUDGE**

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