



CR-7246-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7246-2024

Date of decision : 12.12.2024

Amarjit Kaur

... Petitioner

Versus

Nagar Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Swarn Tiwana, 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 impugned order dated 04.05.2023 (Annexure P-16) as well as the order dated 06.09.2024 (Annexure P-26) vide which the evidence of the petitioner has been closed by order.

2. Learned counsel for the petitioner has submitted that in the present petition, he would restrict his challenge to the order dated 06.09.2024 (Annexure P-26) vide which the defence of the petitioner has been closed by order. It is submitted that the petitioner is 71 years old illiterate lady and thus, she could not pursue her case properly and previous counsel had never informed the petitioner that the case was for the evidence of the defendant. It is further submitted that on 04.10.2024, the said counsel pleaded no instructions from the client and thereafter notice was issued to

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the present petitioner, who appeared in person on 08.11.2024 and thereafter engaged a new counsel on 22.11.2024 and has filed the present revision petition after learning about the fact that her evidence was closed by order. It is stated that the petitioner is the sole defendant and in case she is not permitted to lead evidence, she would suffer serious prejudice in the case. It is further stated that for the delay caused in the proceedings, the petitioner is ready to pay the adequate cost to the respondent.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book and is of the opinion that one opportunity is to be granted to the petitioner to complete her entire evidence and in view of the same, the present petition is partly allowed and the order dated 06.09.2024 to the extent that the evidence of the petitioner has been closed by order is set aside and the petitioner is granted one last opportunity to lead her entire evidence subject to the petitioner depositing an amount of Rs.25,000/- on or before 17.12.2024 before the trial Court and the said amount be released to the respondent-plaintiff by the trial Court. The petitioner would produce her entire evidence on 17.12.2024 which is stated to be the next date of hearing before the trial Court. The witnesses, who are presented by the petitioner on 17.12.2024, would be only examined.

4. It is made clear that in case the petitioner does not deposit the above cost of Rs.25,000/- before the trial Court and does not produce the witnesses on 17.12.2024, then the present petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent



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as issuance of notice to them 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 the present order in case any of the statements made before this Court is found to be false/incorrect.

(VIKAS BAHL)
JUDGE

December 12, 2024.
Davinder Kumar

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