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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-690-2025

Date of decision: 06.03.2025

Shamsher Singh @ Shami Kapoor @ Shamsher Bahadur (deceased) through his
legal representative ...Petitioner

Versus

Kartar Kaur and another ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aayush Gupta, Advocate for the petitioner.

Mr. M.S. Rai, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 24.01.2025 passed by the Civil Judge (Jr. Divn.), Ludhiana vide which the remaining evidence, other than the cross-examination of DW-1 Deepak Kapoor, of the defendants was closed by order.

2. On 03.02.2025, this Court had passed the following order:-

*“Present: Mr. Aayush Gupta, Advocate
for the petitioner.*

Learned counsel for the petitioner has submitted that for the delay in the proceedings, petitioner is ready to compensate the respondent No.1.

Notice of motion to respondent No.1 only for 11.02.2025.

Notice re: interim stay as well.

Liberty is granted to the petitioner to serve respondent No.1 through dasti process as well as through her counsel appearing before the trial Court.

The petitioner shall bring a demand draft of Rs.40,000/- in



the name of respondent No.1 on the next date of hearing.

Meanwhile, proceedings before the learned trial Court may continue but the final order be not passed.

It is made clear that in case demand draft of Rs.40,000/- is not brought, the interim order will be liable to be vacated.

To be shown in the urgent list.

03.02.2025”

2. Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has brought the demand draft for an amount of Rs.40,000/- prepared in the name of Kartar Kaur wife of Avtar Singh and has handed over the same to the counsel for respondent No.1, who has reiterated the said fact. It is further submitted that only the handwriting expert is to be examined by the petitioner and thus, adequate opportunity be granted to the petitioner to examine the said handwriting expert.

3. Learned counsel for respondent No.1 has submitted that in case, an opportunity is to be granted, then only one effective opportunity be granted.

4. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as counsel for respondent No.1 and also the fact that the petitioner has duly compensated respondent No.1, the present Civil Revision Petition is partly allowed and the impugned order dated 24.01.2025 vide which the evidence of the petitioner/defendants except cross examination of DW-1 Deepak Kapoor has been closed by order, is set aside to the said extent and petitioner is granted one effective opportunity to examine the handwriting expert.

06.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No