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

(123)

CR-1620-2025

Date of decision: - 19.03.2025

Charanjit Kaur

....Petitioner

Versus

Gurmohinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Japsehaj Singh, 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 seeking quashing/setting aside the impugned order dated 14.02.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Jalandhar in CS-1308-2017 titled as 'Gurmohinder Singh Vs. Hardeep Singh', wherein the evidence of the petitioner/defendant has been closed.

2. Learned counsel for the petitioner has submitted that in the present case, in the written statement which has been filed by defendants No.1 to 3, apart from other pleas, reliance has been sought to be placed upon a registered Will dated 30.11.2015 (Annexure P-7). It is further submitted that the evidence of the plaintiff was closed on 07.02.2024 and the first date for the defendants evidence was 04.03.2024 and thereafter, the petitioner fully examined eight witnesses. It is further submitted that on 14.02.2025, DW-9 was cross-examined and the petitioner sought an



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adjournment to examine witnesses but the evidence of the petitioner was closed by order. It is submitted that the petitioner wishes to examine Varinder Chaudhary, Deed Writer and attesting witness of the Will dated 30.11.2015 i.e. Rakesh Kumar and for the said purpose, the petitioner would require one effective opportunity at her own responsibility. It is submitted that in case the petitioner is not permitted to examine the said two witnesses, then, irreparable loss would be caused to her and for the inconvenience caused to respondent No.1, the petitioner is ready to pay costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one effective opportunity at her own responsibility to examine the above-said two witnesses and accordingly, the present revision petition is partly allowed and the impugned order dated 14.02.2025 (Annexure P-1) to the extent that the evidence of the petitioner has been closed by order is set aside and the petitioner is granted one effective opportunity at her own responsibility to examine the above-said two witnesses i.e. Varinder Chaudhary (Deed Writer) and Rakesh Kumar (attesting witness of the Will dated 30.11.2015), subject to the cost of Rs.25,000/-, to be deposited by the petitioner on or before 21.03.2025 and on her depositing the said amount, the same would be released by the trial Court to respondent No.1. The trial Court on 21.03.2025 would give a date to the petitioner for producing the said two witnesses i.e. Varinder Chaudhary (Deed Writer) and Rakesh Kumar (attesting witness of the Will dated 30.11.2015) and

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on the date so given, in case the petitioner is able to produce the said two witnesses, then, she would be permitted to examine them.

4. It is made clear that in case, the cost is not deposited and the said two witnesses are not produced on the date given by the trial Court, then, no further opportunity would be granted to the petitioner to examine the said two witnesses.

5. Needless to say that in case the cost is deposited and the said witnesses are produced on the date so given by the trial Court, then, due opportunity would be given to plaintiff/respondent No.1 to cross-examine the said witnesses.

6. It is made clear that in case the abovesaid amount is not deposited by the petitioner on or before 21.03.2025, then the present revision petition would be liable to be dismissed.

7. It would be relevant to mention that notice of motion has not been issued to respondent No.1 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent No.1 in order to defend the present petition. However, it would be open to respondent No.1 to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

March 19, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No