



CR-8737-2025

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

(121)

CR-8737-2025

Date of Decision:-11.12.2025

Smt. Usha Berry

.....Petitioner

Versus

T.S. Duggal and Others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

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Present: Mr. Gaurav Vir Singh Behl, Chopra, Advocate, with  
Mr. Uru Sharma, Advocate, and  
Mr. Vidul Kapoor, Advocate,  
for the petitioner .

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**AMARINDER SINGH GREWAL, 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 07.11.2025 (*Annexure P-6*), passed by the learned Civil Judge (Junior Division), Ambala, whereby the application moved for examination of the petitioner—Smt. Usha Berry was dismissed.

2. Learned counsel for the petitioner submits that the petitioner had filed an application seeking her examination being one of the legal representative of plaintiff, who is a material witness, being closely connected with the subject-matter of the suit. However, the learned trial Court dismissed the said application on the grounds that the petitioner was impleaded as LR at the stage of defendants' evidence; the plaintiff's

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evidence had already been closed by counsel on 18.05.2018; the application was neither supported by an affidavit nor signed by the applicant; no reason for her examination was mentioned; and the case, being old and part of the action plan cases list, could not be reopened at such a belated stage. Learned counsel submits that after the petitioner was impleaded as LR on 14.07.2025, it came to light that the original plaintiff could not be examined due to his death. Thus, for proper adjudication of the matter and in view of the valuable rights involved, it is necessary to examine the petitioner, and one effective opportunity may be granted.

3. I have heard learned counsel for the petitioner and perused the paper book.

4. In the facts and circumstances of the present case, this Court is of the opinion that issuance of notice to the respondents would only lead to unnecessary delay in the proceedings; therefore, issuance of notice to the respondents is dispensed with.

5. After hearing learned counsel and upon perusal of the case record, this Court is of the considered view that, since valuable rights of the petitioner are involved in the present case, it would be in the interest of justice to grant one effective opportunity to the petitioner to examine herself in the suit pending before the learned trial Court.

6. Keeping in view the above, the present petition is allowed, without commenting on the merits of the case and the impugned order dated 07.11.2025 is hereby set aside.



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7. The petitioner is directed to appear before the learned trial Court on the date already fixed, whereupon the said Court shall grant one effective opportunity to the petitioner for her examination.
8. The Registry is directed to send a copy of this order to the learned Civil Judge (Junior Division), Ambala, for necessary compliance.
9. Pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)  
JUDGE

11.12.2025  
Shubham

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |