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

CR-7803-2023 (O&M)

Date of Decision : 05.03.2025

Jagjit Kaur @ Jagjeet Kaur

... Petitioner(s)

Versus

Aryan & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhinav Sood, Advocate for the petitioner.

Mr. J.S. Cooner, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 16.10.2023 whereby the evidence of defendant No.2-petitioner was closed by order as well as the order dated 11.12.2023 whereby the application for recalling of the order dated 16.10.2023 was also dismissed.

2. Learned counsel for defendant No.2-petitioner would contend that given two effective opportunities, the defendant No.2-petitioner would conclude her entire evidence at her own risk and responsibility. It is further the contention of the learned counsel that defendant No.2-petitioner is willing to compensate the plaintiff-respondent No.1 by way of costs.

3. Learned counsel for respondent No.1 would contend state that these are the only delaying tactics being adopted by defendant No.2-petitioner. Earlier also defendant No.1 (respondent No.2 herein) had approached this Court for challenging the order closing her evidence by order, by filing a revision petition which was disposed off by granting one opportunity to lead her evidence subject to payment of ₹10,000/- as costs. It

is further the contention that neither the costs had been paid nor the evidence was concluded by her and that her evidence was yet again closed. However, the learned counsel for the plaintiff-respondent No.1 admits that the present defendant No.2-petitioner herein was not the party to the said revision petition.

4. I have heard the learned counsel for the parties.

5. In the present case, vide order dated 16.10.2023 the evidence of defendant No.2-petitioner was closed by order and thereafter vide order dated 11.12.2023 the application for recalling of the order dated 16.10.2023 was also dismissed. The suit in the present case is for declaration qua land measuring 15 kanals 16 marlas. No doubt defendant No.2-petitioner was remiss in leading her evidence and has taken a number of opportunities, however, in the interest of justice and in order to do complete justice between the parties, this Court deems it appropriate to grant two effective opportunities to defendant No.2-petitioner, who was not the party to the earlier revision petition, to lead her entire evidence at her own risk and responsibility, subject to payment of costs of ₹30,000/- to be paid to the plaintiff-respondent No.1, which shall be a condition precedent.

6. It is made clear that in case the costs are not paid, the present revision petition shall be deemed to having been dismissed.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

05.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO