



CR-2729-2025

-1-

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

(121)

CR-2729-2025

Date of Decision: - 06.05.2025

Jaswinder Kaur

....Petitioner

Versus

Manmohan Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Fateh Singh Dhillon, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 04.03.2025 (Annexure P-5) passed by the Civil Judge (Junior Division), Jalandhar vide which the evidence of petitioner/plaintiff has been closed by Court order.

2. Learned counsel for the petitioner has submitted that in the present case, although the petitioner has not pursued the case very diligently but since it is the suit filed by the petitioner/plaintiff for mandatory injunction directing the defendants to hand over the possession of the property in question, thus, the delay would in any case prejudice the petitioner more. It is further submitted that PW-1 Jaswinder Kaur had come present in the witness box and on 17.07.2019, it is the counsel for the defendants who had taken an adjournment and the case was adjourned to 22.08.2019. It is pointed out that on 30.09.2019, counsel for the

**CR-2729-2025****-2-**

defendants had pointed out that there was another case which was pending between the parties and he wanted to move an application for transfer of the case and thereafter, vide order dated 22.11.2019 cost of Rs.500/- was imposed upon the defendants for not cross-examining the said PW-1. It is submitted that from 15.04.2020 to 04.09.2020, no effective hearing had taken place on account of the Covid-19 Pandemic and further even from 19.05.2021 to 01.09.2021, again no effective hearing had taken place on account of the Covid-19 Pandemic. It is highlighted that on 17.02.2022 the file was taken up in the National Lok Adalat to see whether there is any chance of compromise. It is submitted that now the case is fixed for 16.05.2025 and till date no witness of the defendants has been completely examined/cross-examined and has further submitted that in case one last opportunity is not granted to the petitioner, at her own responsibility, then, irreparable loss would be caused to the petitioner. It is prayed that for the inconvenience caused to the respondents, the petitioner is ready to pay adequate costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one last effective opportunity to complete her entire evidence, at her own responsibility and accordingly, the present revision petition is partly allowed and the impugned order dated 04.03.2025 (Annexure P-5) is set aside to the extent that the evidence of the plaintiff has been closed by order and the petitioner is granted one last effective opportunity, at her own responsibility, to examine all her witnesses and the same would be subject to the petitioner depositing an amount of Rs.30,000/- as costs, on



CR-2729-2025

-3-

or before 16.05.2025 and on her depositing the said amount, the same would be released by the trial Court to the respondents in equal proportions i.e. Rs.15,000/- each. The petitioner would present herself as well as other witnesses, which she proposes to examine, on 16.05.2025 and only the said witnesses would be permitted to be examined by the petitioner. In case the witnesses of the petitioner do not appear on 16.05.2025, then, no further opportunity would be granted to her to produce her witnesses. Due opportunities would be given to the respondents/defendants to cross-examine the witnesses which are to be presented by the petitioner on 16.05.2025.

4. It is made clear that in case, the petitioner does not deposit the costs of Rs.30,000/- on or before 16.05.2025 and does not produce her witnesses on the said date, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondents in order to defend the present petition. However, it would be open to the respondents to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

May 06, 2025

naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No