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

(116)

CR-276-2025

Date of Decision: - 17.01.2025

Parminder Kaur and another**....Petitioners****Versus****Amar Singh and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Ms. Gurpal Kaur Dulat, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned orders dated 13.09.2024 (Annexure P-1), order dated 26.11.2024 (Annexure P-2) and order dated 20.12.2024 (Annexure P-3) passed by the trial Court whereby the right of the petitioners/defendants to lead defendant evidence has been closed by order.

2. Learned counsel for the petitioners has submitted that in the present case, the issues were framed on 20.12.2023 and the case was adjourned for 29.01.2024 for the evidence of the plaintiffs and after several opportunities had been granted to the plaintiffs, the evidence of the plaintiffs/respondents was closed vide order dated 14.08.2024 and the



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first date for the evidence of the defendant was 29.08.2024. It is submitted that on 13.09.2024, the evidence of the petitioners was closed by order. It is further submitted that the petitioner No.1 had moved an application for recalling the said order on the ground that she was suffering from Cancer and was taking regular treatment. It is submitted that vide order dated 26.11.2024, although two opportunities were granted to the petitioners to conclude their evidence but the same was subject to the cost of Rs.10,000/-. It is submitted that petitioner No.1, who is living alongwith two minor children, does not have the necessary funds to pay the said cost of Rs.10,000/- and thus, had moved an application dated 18.12.2024 for waiving off the said cost of Rs.10,000/-, which was not done and accordingly, subsequent order dated 20.12.2024 was passed. It is further submitted that the present case is an exceptional case, inasmuch as, petitioner No.1 is suffering from Cancer and does not have the necessary funds to get her treatment properly done and for the said purpose, petitioner No.1 has applied for funds from the Prime Minister's Funds. In the said regard, learned counsel for the petitioners has referred to the letter of Department of Medical Oncology Christian Medical College & Hospital, Ludhiana dated 05.10.2024, which reads as under: -

*“Department of Medical Oncology
Christian Medical College & Hospital
Ludhiana, 141 008*

Date: 05.10.2024

To Whom It May Concern

This letter is regarding our patient Mrs Parminder Kaur Rai, 41 years female, our hospital number- 8069365, who is diagnosed to have Ca



Breast ER, PR, HER-2 Negative S/P BCS She has been received adjuvant chemotherapy with 4 cycles of AC regimen 2 weekly followed by and 10 cycles of weekly pacli. She received EBRT 50GY / 25F weeks to right breast now she has been come with the lump in left breast. She is planned for surgery followed by ACT and radiotherapy for the same therefore she will be in need of PM fund for further management. Her PM fund will expire on 06.10.2024. Kindly give her extension to avail PM fund facilities.

Kindly do the needful

*Dr Pamela Jeyaraj, MD, F.P.M
Professor & Head
Department of Radiation oncology
Christian Medical College & Hospital, Ludhiana.”*

3. Learned counsel for the petitioners has also submitted that petitioner No.1 is not able to pay the tuition fee of her minor child which is pending since the Month of July, 2024 and in order to highlight the said fact, the school certificate dated 16.12.2024 certifying the fact that the tuition fee with respect to the minor child, namely, Gobind Rai is pending since July, 2024 has been annexed as Annexure P-12. It is submitted that one last opportunity be granted to petitioners to produce their entire evidence and the cost imposed upon the petitioners be exempted. It is further submitted that the case is now fixed before the trial Court for 21.01.2025 and the petitioners undertake to present the witnesses on the said date.

4. Keeping in view the exceptional facts and circumstances of the present case, more so, in view of the health condition and the financial condition of petitioner No.1 and also the fact that she has two minor children to take care of, which facts are *prima facie* proved from the

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certificates dated 05.10.2024 and 16.12.2024, this Court is of the opinion that the petitioners should be granted one last opportunity to lead their entire evidence and even the cost imposed upon the petitioners to the extent of Rs.10,000/- is required to be waived off and accordingly, the present revision petition is allowed and the impugned orders dated 13.09.2024 (Annexure P-1), order dated 26.11.2024 (Annexure P-2) as well as the order dated 20.12.2024 (Annexure P-3) are set aside to the extent that the evidence of the petitioners was closed by order and the amount of Rs.10,000/- was imposed upon the petitioners, with the following directions: -

- (i) Petitioner No.1 would produce her witnesses including herself on 21.01.2025. Only the witnesses produced by petitioner No.1 on 21.01.2025 before the trial Court would be permitted to be examined by petitioner No.1. In case, no witness appears on 21.01.2025, then, no further opportunity would be granted to petitioner No.1 to produce her witnesses.
- (ii) The witnesses who are presented by petitioner No.1 on 21.01.2025 would be examined-in-chief on the said date or the date fixed by the Court and due opportunities would be granted to the respondents to cross-examine the said witnesses.

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



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order in case, any statement made before this Court is found to be false/incorrect.

January 17, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No