

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**C.R. No. 3286 of 2006(O&M)
DECIDED ON 6.6.2006**

LAKHBIR KAUR

...PETITIONER

VERSUS

RUPINDER KAUR ETC.

.....RESPONDENTS

Present: Mr. S.S. Majithia, Advocate
for the petitioner

RAJESH BINDAL, J. (Oral)

This is a petition under Article 227 of the Constitution of India praying for setting aside order dated 18.5.2006 whereby the learned Civil Judge (Junior Division), Amritsar has closed the evidence of the defendant-petitioner by order of Court by rejecting the application of the defendant-petitioner for adjournment on the ground that due to ill health the petitioner could not be present in the Court for being cross-examined. The case was adjourned to 6.6.2006 for rebuttal evidence.

Counsel for the petitioner states that she could not be present in Court for cross-examination as she had been advised bed rest by the doctor. He further states that there is no intention to delay the trial. The petitioner is an old lady not keeping good health. In case one opportunity is granted, she will be present in the Court for her cross-examination.

Considering the facts of the case, I do not consider it necessary to issue notice to the respondents as the same will further delay the disposal of the case pending before the trial Court. Ends of justice in the present case will be met by granting one opportunity to

the petitioner to present herself in the Court for her cross-examination. The petitioner is granted last opportunity to be present in Court for cross-examination on 12.6.2006. The case stated to be fixed for 6.6.2006 shall be adjourned by the trial Court to 12.6.2006. In case the petitioner fails to appear in the Court on the next date, no further opportunity shall be granted for her cross-examination and in that event the order passed by the trial Court on 18.5.2006 will stand.

The petition is allowed subject to payment of costs at Rs. 2,000/- to the respondents.

June 6,2006
gsv

(Rajesh Bindal)
Judge