

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

Civil Revision No. 2265 of 2015 (O&M)

Date of decision : 7.4.2015

Jogender Pal @ Yogender Pal Sharma

..... Petitioner

VS

Gaje Singh Dhull

..... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Kuldeep Tiwari, Advocate, for the petitioner.

Rajesh Bindal J.

Prayer in the present petition filed under Article 227 of the Constitution of India is for setting aside order dated 25.2.2015 (Annexure P-3) passed by the learned court below, whereby evidence of the petitioner/defendant was closed by order of the court.

The proceedings in the present case arise out of a suit for recovery filed by the respondent /plaintiff against the petitioner / defendant for recovery of ₹ 18,55,074/-.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondent, as the same would unnecessarily delay not only the disposal of the present petition but the suit as well.

Learned counsel for the petitioner submitted that the suit was filed by the respondent / plaintiff for recovery of ₹ 18,55,074/- against the petitioner, in which after completion of proceedings, the issues were framed on 20.10.2011. On 17.12.2014, the plaintiff closed his evidence after more than two years and the case was adjourned to 7.1.2015 for evidence of the defendant. Thereafter, the Court below granted 3-4 opportunities for evidence of the defendant. He examined himself as DW1. On 25.2.2015, the

learned Court below closed the evidence of the petitioner by order. The petitioner wanted to examine two witnesses to prove the defence taken by him. Learned counsel further submitted that in case one opportunity is granted, the petitioner will complete his entire evidence on the date fixed. The case is stated to be fixed before the Court below on 8.4.2015.

Heard learned counsel for the petitioner and perused the paper book.

The facts submitted by the learned counsel for the petitioner are borne out from the record. The issues were framed on 20.10.2011. The plaintiff concluded his evidence on 17.12.2014. As is clear from the zimni orders, the plaintiff has taken so much time for conclusion of evidence. Evidence of the defendant started only on 7.1.2015. He wants to examine only two witnesses. The case is now stated to be fixed before the court below on 8.4.2015.

Considering the aforesaid facts, in my opinion, the petitioner deserves to be granted one effective opportunity to conclude evidence. The same shall either be on the next date of hearing fixed before the court below i.e. 8.4.2015 or a date to be fixed by the Court for the purpose. The same shall be subject to payment of ₹ 2,500/- as cost to the plaintiff by way of demand draft. Payment of costs shall be pre-condition. The impugned order passed by the learned court below is modified accordingly. If aggrieved, the respondent / plaintiff shall have right to file application for recalling the aforesaid order.

The Revision Petition is disposed of in the manner indicated above.

7.4.2015
vs.

(Rajesh Bindal)
Judge