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

CR No.4270 of 2015

Date of decision: July 09, 2015

Ragubeer Singh

.....Petitioner

Versus

Kamlesh Rani and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. H.K. Aurora, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 23.04.2015 and 28.05.2015.

Learned counsel for the petitioner has submitted that the petitioner has filed suit for permanent injunction against the respondents. Respondent No.1 has also filed suit for permanent injunction against the petitioner. In fact, petitioner could not conclude his evidence as an application for consolidation of the suits was filed before the learned District Judge and the said application was allowed. However, thereafter, the suits were again separated and another application was filed for consolidation of the suits. The said application was allowed by the learned District Judge. Now, the suits have been consolidated. Respondent No.1 is leading her evidence in the suit filed by her. However, in the suit filed by the petitioner, respondent No.1 has not

examined any witness. Petitioner had examined two witnesses in-chief and only their cross-examination is to be conducted by the respondents. Learned counsel has submitted that petitioner be granted one opportunity to enable the petitioner to conclude his evidence.

Keeping in view the submissions made by learned counsel for the petitioner and the facts and circumstances of the present case, it would be just and expedient to grant one opportunity to the petitioner to enable him to conclude his evidence. Petitioner has already examined two witnesses in-chief and only their cross-examination is to be conducted by the respondents.

Accordingly, this petition is allowed. Impugned orders dated 23.04.2015 and 28.05.2015 are set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to conclude his evidence at his own risk and responsibility, subject to payment of ₹2,500/- as costs. Costs be deposited with the District Legal Service Authority. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

July 09, 2015
mahavir