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

**CR No.4525 of 2015 (O&M)
Date of decision: July 21, 2015**

Kuldip Singh

.....Petitioner

Versus

Rajinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

SABINA, J

Petitioner has fled this petition challenging the order dated 07.07.2015, whereby, evidence of the petitioner, was closed.

Learned counsel for the petitioner has submitted that petitioner had deposited requisite diet money for service of the witnesses. However, the witnesses could not be served and due to this reason, petitioner could not conclude his evidence despite opportunity granted to him. Learned counsel has further submitted that petitioner be granted one opportunity to enable him to conclude his evidence.

Respondent has filed suit for recovery against petitioner on the basis of pronote and receipt dated 26.02.2010. In case, petitioner is not permitted to lead his evidence, he will not be able to put up his defence and his rights would be adversely affected. However, in case, one

opportunity is granted to the petitioner to enable him to conclude his evidence, the *lis* between the parties would be disposed of on merits and the trial Court will be in a position to dispose of the case in a more effective manner.

Accordingly, this petition is allowed. Trial Court is directed to grant one opportunity to grant one effective opportunity to the petitioner to enable him to lead 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, trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

July 21, 2015
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