

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

CR No. 5446 of 2015
Date of Decision: 24.8.2015

Jaspreet Singh

.....Petitioner

Vs

Rajinder Singh and others

....Respondents

CORAM: - HON'BLE MS. JUSTICE RITU BAHRI

Present: - Ms. Puja Chopra, Advocate for the petitioner.

....

RITU BAHRI, J (Oral)

Present petition is filed against the impugned order dated 19.8.2015 passed by ACJ (Sr. Division), Jalalabad, whereby the evidence of plaintiff was closed finding no merits to grant any more opportunity to lead evidence.

The brief facts of the case are that the plaintiff-petitioner had filed a civil suit (Annexure P-1) on 22.12.2011 for injunction. On 13.3.2012 after the appearance of respondents issues were framed and on the same day, an application under Order 39 Rule 1 and 2 CPC was allowed.

Defendants-respondents filed an appeal against the said application under Order 39 Rule 1 and 2 CPC before the Ist Appellate Court. On 15.4.2014, no evidence could be recorded and the suit was dismissed on 2.7.2014 on account of non appearance of the plaintiff. Thereafter, plaintiff filed an application for restoration. Accordingly, the suit was allowed and restored on 4.4.2015 (Annexure P-2). Thereafter, the plaintiff has been granted five opportunities in a period less one and half months and the evidence has been closed.

In the present case, the plaintiff has not made any attempt to delay the proceedings of the trial. In view of the said fact, if the suit has been restored, two more opportunities can be granted to conclude the evidence.

In view of the said fact, present revision is allowed and the order dated 19.8.2015 is hereby set aside. Plaintiff is granted two effective opportunities to conclude his evidence and examine two witnesses including Patwari subject to payment of cost of Rs. 3000/- as costs before the State Legal Service Authority.

Allowed as above.

(RITU BAHRI)
JUDGE

24.8.2014
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