

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7051 of 2015
Date of decision: 19.10.2015

Gurpartap Singh Bhullar

... Petitioner

Versus

Kulwant Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. CS Sharma, Advocate for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 04.09.2015, rendered by Additional Civil Judge (Sr. Divn.), Nakodar, evidence of the petitioner-plaintiff had since been closed by order. The conclusion arrived at in this regard reads as thus:

“Examination in chief of PW4 to PW6 recorded. Their cross examination is deferred at request of opposite counsel. The witnesses present are bound down for next date 17-11-15 for their cross examination. Previous cost paid. The counsel for plaintiff requested for further adjournment for leading more evidence. The perusal of case file shows that plaintiff has already availed five effective opportunities for his evidence including three last opportunities and two opportunities subject to costs. Even plaintiff whose evidence is required to be tendered before any other witness

has still not stepped into witness box. Finding no justification to adjourn this case further for fresh oral evidence of plaintiff the remaining oral evidence of plaintiff is closed by order, except for cross examination of PWs who have already been examined in chief. Accordingly, now to come up on date fixed for cross examination of PWs as well as for documentary evidence of plaintiff as a last resort.”

Ex facie, petitioner has been remiss and negligent to pursue his cause. But this is also true that, in case, he is not afforded one effective opportunity to examine himself, he shall not only suffer an irreparable loss but that might result in miscarriage of justice. As regards the delay and inconvenience caused, respondent-defendant could be compensated by awarding suitable costs.

That being so, the revision petition is accepted and the order dated 04.09.2015 is set aside, and without issuing any notice to the respondent to avert any further delay and expenses that he shall have to incur to defend these proceedings, the petition is disposed of in the following terms:

- i) Petitioner shall be afforded one effective opportunity to examine himself in support of his claim on the date that shall be fixed by the trial court in this regard;
- ii) In case, the petitioner fails to conclude his evidence on the stipulated date, his evidence shall be deemed

to have been closed and no further opportunity shall be granted;

iii) This, however, shall be subject to payment of costs of ₹ 10,000/-, that shall be condition precedent.

October 19, 2015
Rajan

(Arun Palli)
Judge