

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

CR No.7406 of 2015

Date of decision: 04.11.2015

Sunil Kumar

...Petitioner

versus

Kailash Chand Gupta and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Akshay Kumar Jindal, Advocate,
for the petitioner.

RITU BAHRI, J.

Challenge in this petition is to the order dated 20.10.2015 (Annexure P-3) passed by the Civil Judge (Junior Division), Karnal, whereby evidence of the petitioner has been closed by order.

Perusal of the impugned order shows that RW Akash, Manager from Alfa G Department Pvt. Ltd., Karnal had appeared and his examination-in-chief was recorded on that date. Further time was sought by counsel for the respondent (petitioner herein) to enable him to produce the summoned record. However, the request was not accepted by the Court keeping in view that he had availed 10 opportunities to conclude his evidence. The case was fixed for evidence of respondent on 16.05.2015, 28.05.2017 and 07.07.2015. On this date, four witnesses of the respondents were present and examined and the case was adjourned to 22.07.2015, 03.08.2015, 29.08.2015, 09.09.2015, 28.09.2015. On all these dated, witnesses of the respondents were present in Court. Reference can be made to the order dated 15.10.2015,

wherein it has been recorded that the summoned record from the clerk of Alfa Group could not be produced as it was in the custody of head office, Gurgaon. Thereafter, summons were issued to the concerned clerk of the said company for 20.10.2015. On that date, one clerk from Alfa G. Department appeared, but did not produce the summoned record. One more adjournment was sought to enable the said clerk to bring the relevant record. As per the above orders, it is apparent that respondent (petitioner herein) did not seek adjournments to prolong the proceedings of the suit.

In the given circumstances of the case, this Court deems it appropriate to provide some time to the petitioner to conclude his evidence.

In view of the above, the impugned order dated 20.10.2015 (Annexure P-3) is set aside and one effective opportunity is granted to the petitioner to examine RW Akash, Manager from Alfa G. Department Pvt. Ltd. along with summoned record and conclude his evidence, subject to costs of Rs.3,000/- to be deposited with the District Legal Services Authority, Karnal.

Allowed accordingly.

(RITU BAHRI)
JUDGE

04.11.2015
ajp