

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

C.M. No. 26099-CII of 2015 in/and
C. R No. 7808 of 2015 (O&M)
Date of decision : 09.12.2015

Ashwani Kumar

....Petitioner

versus

Saroj and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.R. Hooda, Advocate
for the applicant-petitioner.

RITU BAHRI , J. (Oral)

C.M. No. 26099-CII of 2015

Application is allowed as prayed for.

Accordingly, Annexure P-12 to P-14 are taken on record.

C. R No. 7808 of 2015

Challenge in this petition is to order dated 06.11.2015 passed by learned Civil Judge (Jr. Divn.), Bhiwani, vide which the evidence of the petitioner has been closed.

On 19.10.2015, following order was passed:-

*“Today the case was fixed for plaintiff's evidence and
last opportunity was provided to the plaintiff and cost of Rs.200/-
was also imposed. Previous cost not paid. No PW is present.*

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However, an application has been moved by plaintiff for adjournment of the case sine die. Copy supplied. Now to come upon 31.10.2015, for filing reply to the same.”

Thereafter, on 31.10.2015, the case was adjourned to 06.11.2015 for filing reply to the application for adjourning the case sine die and on 06.11.2015, the impugned order has been passed dismissing the application of the plaintiff and the evidence of the petitioner has been closed with the observation that the plaintiff was given last opportunity to conclude his evidence, vide order dated 29.09.2015 and even after this, one more opportunity was granted to him, vide order dated 08.10.2015.

However, a perusal of the above said zimini orders shows that the case was fixed time and again for filing reply to the application filed by the petitioner.

Further learned counsel for the petitioner submits that the petitioner had paid a cost of Rs.200/- on 31.10.2015. Thus, the evidence of the petitioner should not have been closed.

order dated 06.11.2015 passed by learned Civil Judge (Jr. Divn.), Bhiwani is hereby set aside and the instant revision petition is **allowed** and the trial Court is directed to give one effective opportunity to the petitioner to conclude his evidence, subject to deposit of Rs.5000/- as costs to be deposited before the District State Legal Services Authority, Bhiwani.

09.12.2015

G.Arora

(RITU BAHRI)
JUDGE

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