

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

Civil Revision No. 869 of 2015 (O&M)

Date of Decision: February 26, 2015

Paramjit Singh

....Petitioner..

Versus

Baljinder Kaur and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Vaibhav Narang, 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?

JASPAL SINGH, J.

CM No. 3899-CII of 2015

Copy of interim orders (Annexure A) filed along with application is taken on record, subject to all just exceptions.

C.M. stands disposed of.

Main case

This revision petition has been directed by Paramjit Singh-petitioner under Section 227 of the Constitution of India for setting aside order dated January 19, 2015 (Annexure P-3) passed by Civil Judge (Junior Division), Amritsar whereby his evidence was

closed by the orders of trial court dated 19.01.2015 as well as order dated January 29, 2015 (Annexure P-5) vide which application for recalling/review of order dated January 19, 2015, has been dismissed.

2. Undoubtedly, suit captioned as “**Baljinder Kaur v. Paramjit Singh**” bearing No. 16882/638/10.11.2012 was fixed for January 19, 2015 and on that date, one DW-2 Harbhajan Singh was present and cross-examined. There was no other witness present in Court to be examined. However, Paramjit Singh, who is also arrayed as defendant in the suit was to appear in the court as his own witness but he could not reach the court in time on that date being seriously ill, but evidence of defendant was closed by passing that order. After the closure of evidence by orders of the court on January 19, 2015, petitioner filed an application for recalling/review of the said order but that application was also dismissed vide impugned order dated January 29, 2015, simply on the ground that defendant-petitioner has already availed number of opportunities.

3. It is pretty settled that rights of a party cannot be scuttled down simply on the ground that on a particular date evidence could not be adduced.

4. The matter in controversy is required to be adjudicated upon by affording ample opportunity to both the parties, to adduce their evidence in support of their respective pleadings. The petitioner only seeks a single opportunity to adduce and conclude his evidence

before the Id. Trial court. So, the instant revision petition is disposed of with the direction to Id. trial court to afford one effective opportunity to petitioner-Paramjit Singh to conclude his evidence but subject to the deposit of ₹5000/- with Secretary, Legal Services Authority, Amritsar, prior to his examination in the Court.

5. Accordingly, both the impugned orders dated January 19, 2015 (Annexures P-3) and January 29, 2015 (Annexure P-5) stand set aside.

6. No order as to costs.

February 26, 2015
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(JASPAL SINGH)
JUDGE