

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

**Civil Revision No.1728 of 2015
Date of decision : 05.04.2016**

Janak Raj

.....Petitioner

Versus

Gora Lal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.K. Khetarpal, Advocate for petitioner.

Mr. Tarun Singla, Advocate for respondents No.2 & 3.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioner contended that the petitioner had summoned the witnesses. Even the diet money was deposited, but without any instructions and inadvertently, the evidence was closed by learned counsel for the petitioner in the trial Court. He contended that the petitioner may be granted one opportunity to produce his remaining evidence at his own responsibility.

2. Learned counsel for the respondents No.2 & 3 contended that the petitioner is in collusion with the respondent No.1-plaintiff. He also wants to examine these very witnesses but was not permitted. The evidence was closed by learned counsel for the petitioner. So, the petitioner does not deserve any further opportunity.

3. I have duly considered the aforesaid contentions.

4. Normally, when the evidence of a party is closed by his counsel, the party is not entitled to lead any further evidence. But in the instant case, there are the peculiar circumstances, as the petitioner has deposited the diet money to summon three witnesses. Without exhausting the list of the witnesses, the evidence of the petitioner was closed by his counsel, which is stated to be without his instructions. The plea raised by learned counsel for the respondents with respect to the collusion between the plaintiff and the present petitioner-defendant No.4 and its effect, is a matter of evidence to be determined by the learned trial Court.

5. Thus, in the interest of justice and to afford the full opportunity to the petitioner to adduce the evidence, the present petition is allowed. Petitioner is granted only one opportunity to produce his remaining evidence on one date to be fixed by the learned trial Court subject to Rs.10,000/- as cost payable to the contesting respondents No.2 & 3 before this Court namely Ritta Rani and Kewal Kishan, purely on the responsibility of the petitioner himself without issuance of any process by the Court.

05.04.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**