

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

CR-2674-2016 (O&M)

Date of Decision:-21.04.2016

Sher Singh

...Petitioner

Versus

Hardial Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition is against the order dated 06.01.2016 (Annexure P-7) whereby evidence of the petitioner-plaintiff was closed by Court order.

Learned counsel for the petitioner fairly accepted that he had already availed five opportunities including last opportunity for the purpose, but mainly took the plea that petitioner-plaintiff himself has not been examined for certain reasons which were beyond his control and the petitioner wants to examine himself as his own witness.

The petitioner-plaintiff has not been examined and if the impugned order is not set aside that shall cause injustice to him as he has filed suit for recovery and there was no reason for petitioner-plaintiff to remain away from the Court.

Present circumstances suggest that the order dated 06.01.2016 deserves to be set aside and the respondents can be compensated. Accordingly, the present petition is hereby accepted and order dated 06.01.2016 (Annexure P-7) is set aside subject to payment of costs of Rs.5000/-. The petitioner shall be given one opportunity to conclude his evidence including himself.

April 21, 2016
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(SHEKHER DHAWAN)
JUDGE