

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

124

CR-328 of 2016

DATE OF DECISION: 19.01.2016.

Kamal Sharma

....Petitioner.

VERSUS

Sukhdev Kumar Sharma and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rajeev Duggal, Advocate for the petitioner.

Shekher Dhawan, J. (Oral)

Present petition is challenge to the order dated 09.11.2015 whereby Civil Judge (Junior Division) Chandigarh, closed defendant's evidence by Court order.

Learned counsel for the petitioner submitted that on almost all the dates, case was not actually taken up and no effective adjournment had taken place except on two dates.

Copies of relevant zimini orders passed by the Court below reveal that in fact, case was not taken up for defendant's evidence on 07.08.2015, 11.09.2015, 22.09.2015 and 16.10.2015. That way, defendant was not given reasonable opportunity to lead his evidence.

By now, even no witness has been examined by the petitioner and in the given facts, the defendant, who is petitioner before this Court has not been given reasonable opportunity. The impugned order passed by

the Court below is set aside and trial Court is directed to give one opportunity to the petitioner-defendant No.1 to conclude his evidence.

Present petition disposed of.

(SHEKHER DHAWAN)
JUDGE

19.01.2016.

komal