

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3735-2016 (O&M)

Date of Decision:-27.05.2016

Paramjit Singh and another

...Petitioners

Versus

Brij Bhan Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Mr. Gursimran Singh, Advocate,
for the petitioners.

SHEKHER DHAWAN, J.

Present petition is challenge to the order dated 11.04.2016 (Annexure P-1) passed by Civil Judge (Junior Division), Ludhiana whereby the Court below closed the evidence of the defendant on account of availing more than reasonable opportunities.

Learned counsel for the petitioner submitted that sufficient opportunities were not given to the petitioner because the witnesses of the defendant were in fact present in the Court on 20.01.2016 but their cross-examinations could not be completed because of the request of opposite counsel on almost each and every day. Defendant had been producing his witnesses but his evidence remained inconclusive whereas there was no fault on the part of the petitioner.

Learned counsel for the petitioner further submitted that he wants to examine DW-2 Avtar Singh, DW-3 Harjinder Singh who have already tendered their affidavits and he also wants to examine one Charanjit Kaur as DW-4. Learned counsel for the petitioner further undertook to

produce all these witnesses at his own responsibility on single date fixed by the Court below.

Contentions raised by learned counsel for the petitioner are based on record and establish that witnesses of defendant remained present on almost all the dates fixed for the evidence of the defendant. Even affidavits for examination-in-chief of DW-2 Avtar Singh and DW-3 Harjinder Singh were tendered on 20.01.2016 itself but their statements could not be completed because of the request made by opposite counsel and reasonable opportunity has been denied to the present petitioner.

Accordingly, the present petition is accepted and order dated 11.04.2016 (Annexure P-1) passed by Civil Judge (Junior Division) Ludhiana is set aside with a direction that petitioner shall produce DW-2 Avtar Singh, DW-3 Harjinder Singh and DW-4 Charanjit Kaur on the next date of hearing, before the Court below and shall conclude the evidence on single date at his own responsibility.

May 27, 2016
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(SHEKHER DHAWAN)
JUDGE