

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No.5538 of 2016**

**Date of Decision: 31.8.2016**

**Ram Dass**

**---Petitioner**

**versus**

**Surender Singh and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Vikram Singh, Advocate  
for the petitioner**

**\*\*\***

**Rekha Mittal, J.**

The present petition has been directed against order dated 22.8.2016 (Annexure P-4) whereby the respondent/plaintiff has been allowed one opportunity to conclude entire evidence on 14.9.2016 subject to payment of cost of Rs. 500/- to be paid to the opposite counsel.

Counsel for the petitioner has assailed the impugned order primarily on two counts. The first submission made by counsel is that in view of earlier order dated 15.7.2016 passed by the trial court, evidence

of the respondent/plaintiff is taken to be closed though he was given another opportunity for 25.7.2016 to examine the witnesses subject to order dated 15.7.2016 being still in operation, therefore, the trial court was not competent to review its own order. Another submission made by counsel is that the application filed by the respondent/plaintiff that on 25.7.2016, 17 witnesses were present in the court out of which only 7 were examined is factually wrong as in the order passed by the Court on 25.7.2016, there is specific reference to presence of 7 witnesses and further recorded that no other PW was present.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

So far as the plea that the trial court was not competent to provide an opportunity to the respondent/plaintiff in view of earlier order dated 15.7.2016, the said plea is untenable in the light of judgment of this Court ***State of Punjab vs. Ajmer Singh, 2009(2)PLR 749*** wherein it has been held that order passed by the Court closing evidence is not a judicial order as it is purely a docket order and the Court can review its order and re-open the case which is closed.

Though plea raised by the respondent/plaintiff that 17 witnesses were present before the Court on 25.7.2016 is not borne out from order passed by the trial court on that date but still the judicial discretion exercised by the trial court allowing another opportunity to the respondent/plaintiff to examine remaining witnesses cannot be said to be unreasonable much less exceeding its jurisdiction. In view of the above, no justification to intervene is made out.

Dismissed.

**(Rekha Mittal)**  
**Judge**

**31.8.2016**

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No