

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

Civil Revision No.8031 of 2016

Date of decision: December 13, 2016

Lachhman Singh

...Petitioner

Versus

Raj Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Kr. Yashwant Singh Rathore, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 15.11.2016, passed by the trial court, whereby additional evidence of petitioner/defendant has been closed by order.

Learned counsel for the petitioner has assailed the order. According to him, cross-examination of the witnesses namely, Dr. Vikram Raj Singh Chauhan is necessary for just adjudication of the matter. Thus, order passed by the court below deserves to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent/plaintiff filed a suit for recovery of Rs.42,00,000/- against the petitioner/defendant on 21.7.2010. When case was fixed for rebuttal evidence, petitioner moved an application for additional evidence to examine Dr. Vikram Raj Singh Chauhan. Said application was allowed by the trial court on 05.10.2016 and two

effective opportunities were granted to the petitioner/defendant to lead his evidence. A perusal of records shows that on 13.10.2016, said witness namely, Dr. Vikram Raj Singh Chauhan had appeared and tendered his affidavit. Thereafter, two effective opportunities were to be granted to conclude evidence of said witness. He was bound down for 13.10.2016 and 28.10.2016. However, the witness did not appear before the court, due to which plaintiff was not able to cross-examine him. Case was adjourned to 15.11.2016. On that day also, the witness namely, Dr. Vikram Raj Singh Chauhan remained absent. Court was left with no option but to close the evidence of the witness as only two opportunities had to be afforded in view of order dated 5.10.2016, passed by the court. Opportunity for leading additional evidence was, thus, closed vide impugned order and case was fixed for rebuttal evidence and arguments. As trial of the case is at its fag end, I find no ground to interfere in revisional jurisdiction. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 13, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No