

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

**C. R No. 4270 of 2017 (O&M)
Date of decision : 06.12.2017**

SaddikPetitioner
versus

Virender ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Kumar Sharma, Advocate
for the petitioner.

Mr. Bishan Kumar, Advocate for the respondent.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 21.02.2017 and 02.05.2017 passed by learned Addl. Civil Judge (Sr. Divn), Hodal District Palwal.

A bare perusal of the zimini order shows that on 04.10.2016, the evidence of the defendant was to be recorded and thereafter on 31.01.2017, his application for amenment in the written statement was allowed and he has been granted three opportunities to lead evidence i.e 07.02.2017, 14.02.2017 and the evidence of the defendant was closed on 21.02.2017.

Learned counsel for the petitioner submits that only three witnesses remained to be examined by the petitioner.

In view of the above, order dated 21.02.2017 and 02.05.2017 passed by learned Addl. Civil Judge (Sr. Divn), Hodal District Palwal are hereby set aside and the instant revision petition is ***allowed*** and the trial

Court is directed to give one effective opportunity to the petitioner to record the evidence of three witnesses which can further be cross examined by the defendant. Further the application of the petitioner for production of additional evidence is also allowed, subject to deposit of cost of Rs.5000/- to be paid to the respondent.

06.12.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE