

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4372 of 2017

Date of Decision: 07.07.2017

Gulshan Kumar

.....Petitioner

Vs.

Paramjit

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.K.S.Thakur, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This revision petition has been filed under Article 227 for setting aside the impugned order dated 26.05.2017 (Annexure P-1), whereby, evidence of the petitioner/plaintiff has been erroneously ordered to be closed.

Learned trial Court vide order dated 17.09.2016, framed as many as 9 issues and the adjourned the matter for 28.10.2016, for the evidence of the plaintiff and plaintiff was to produce the list of witnesses. The plaintiff placed on record the list of witnesses (Annexure P-3) on 01.10.2016 and thereafter, the case was adjourned to 28.10.2016 for cross-examination of PW-1 to PW-4 as well as for remaining Pws. Thereafter, the case was adjourned on number of occasions and finally vide impugned order dated 17.09.2016 evidence of the plaintiff was closed.

Vide order dated 29.04.2017, Sahab Singh (PW-7) was not present for cross-examination and the case was fixed for 18.05.2017 for his cross examination and on the same day non-bailable warrant was issued

appeared and suffered a statement that he can not give his evidence due to his ill health and sought adjournment and on 26.05.2017, no evidence of the petitioner had become present for evidence. As such, learned trial Court has passed the impugned order and evidence of the petitioner has been closed.

Learned counsel for the petitioner submits that only two witnesses i.e. Sahib Singh and Naresh Kumar are required to be examined and impugned order dated 26.05.2017 may kindly be set aside.

In view of the above, the order dated 26.05.2017 is set aside and trial Court it directed to give one more opportunity to the petitioner by summoning the witnesses i.e. Sahab Singh and Naresh Kumar for their evidence in accordance with law subject to payment of Rs.5,000/- as costs before the District Legal Services Authority, Yamuna Nagar.

(RITU BAHRI)
JUDGE

07.07.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>