

**280 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No. 4437 of 2017
Date of Decision: 08.12.2017**

NIKKA SINGH

...Petitioner

Versus

HARPAL SINGH & ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sarvesh Kumar Gupta, Advocate for
Mr. Saqib Ali Khan, Advocate for the petitioner.

Mr. Jai Bhagwan, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

[1] Petitioner has challenged the order dated 17.03.2017 passed by Civil Judge (Jr. Divn.) Malerkotla, whereby evidence of the plaintiff was closed by order of the court.

[2] Perusal of the record would show that there was no legal evidence of the plaintiff on record. In case, there was no legal evidence on behalf of the plaintiff, the trial Court could have proceeded to dispose of the suit forthwith under Order 17 Rule 3 CPC. The trial court rather, adjourned the case for defendant evidence. In such eventuality, the plaintiff-petitioner can be granted one and last opportunity to conclude his evidence subject to payment of cost

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of ₹ 15,000/- to be paid to the defendants-respondents in equal proportion. Payment of cost should be the condition precedent for granting indulgence by the trial Court.

Disposed of.

December 08, 2017

Jyoti-IV

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No