

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

CR No.4620 of 2017
Date of decision : 18.07.2017

Ashok Kumar

...Petitioner

Versus

Anand Prakash and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Jaswinder Singh Randhawa, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff has filed the present revision petition against the order dated 17.05.2017 passed by Civil Judge (Junior Division), Faridabad.

Same reads as under:-

“Present:- Sh. Nand Kishor Dagar, proxy for Sh. Pardeep Sharma, Advocate for plaintiff.

Sh. Sharad Duggal, Advocate for defendant.

No PW is present today. Adjournment sought. Heard. Allowed. Counsel for the plaintiff submitted that he does not intend to lead any further evidence and the same is hereby closed by court order despite giving several opportunities. Now, the case is adjourned to 25.5.2017 for evidence of defendant, at his own responsibility.”

A careful reading of the order would show that the learned Civil Judge (Junior Division), Faridabad has passed a strange order. In the first sentence, the adjournment has been allowed for recording the evidence

of the plaintiff whereas in the second sentence, the Court has recorded that the counsel for the plaintiff has submitted that he does not intend to lead any further evidence. If one looks at the presence sheet, Sh. Nand Kishor Dagar, proxy counsel for Sh. Pardeep Sharma was present. Even counsel for the plaintiff was not present. Anyhow, the suit was filed on 31.07.2013.

Taking into consideration the facts as pleaded in the present revision petition, I consider it to be appropriate to grant one more opportunity to the plaintiff to conclude his evidence. As intimated by learned counsel for the petitioner, the next date before the trial Court is 20.07.2017. The trial Court would grant one effective opportunity on 20.07.2017 or any date fixed by the Court thereafter to the plaintiff to conclude his entire evidence subject to the payment of ₹5,000/- as costs.

Impugned order dated 17.05.2017 is hereby set aside.

Accordingly, present revision petition is allowed.

Respondent is granted liberty to move an application for violation in the order as the revision petition is being disposed of without issuing notice.

18.07.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No