

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

CR No.7785 of 2017

Date of Decision: 10.11.2017

Joga Ram

...Petitioner(s)

Versus

Subhash Chand and another

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vinay Puri, Advocate
for the petitioner(s).

ANITA CHAUDHRY, J.

The petitioner is aggrieved as his evidence has been closed.

Notice is not being issued to the respondents as it would lead to further delay.

I have heard the counsel for the petitioner and have gone through the *zimni* orders. The impugned order shows that the case was fixed for plaintiff evidence firstly on 13.11.2015. The plaintiff has not been able to complete his evidence though sufficient opportunities have been granted. The plaintiff did not avail of the opportunity and had been taking adjournments in routine but I find that one Saudagar Singh was partly cross-examined on 26.04.2017 and the cross-examinations was deferred as the witness had requested that he wanted to produce some documents. The Lower Court without completion of the cross-examination has closed the

evidence of the plaintiff. In the absence of the cross-examination even the chief cannot be read and it would be too harsh.

The counsel for the petitioner prays that one date may be given and they would produce Saudagar Singh, who has to produce the record himself and one more witness, namely, Krishan. He also says that the next date fixed for defendants evidence is 27.11.2017.

The plaintiff had taken almost two years but have been unable to close his evidence. The right of cross-examination should have been afforded to the defendants and could not be shut out. The petition is allowed and plaintiff is permitted to produce Saudagar Singh for remaining cross-examination and they have to ensure the production of the documents which he wanted to rely upon on the next date. There would be no request for adjournments on that account. The petitioner is also permitted to examine one more witness namely, Krishan but on payment of Rs.5,000/- which would be paid to the defendant. Plaintiff would produce the witnesses on 27.11.2017 on his own. No request for summoning the witnesses shall be made.

The petition is allowed on above terms.

November 10, 2017*ps-l***(ANITA CHAUDHRY)
JUDGE****Whether Reasoned/Speaking****Yes/No****Whether Reportable****Yes/No**