

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

CR No.8646 of 2016.

Date of Decision: 24.01.2017.

Jagir Singh

....Petitioner.

VERSUS

Dayal Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

SNEH PRASHAR, J.

The petitioner is aggrieved by the order dated 26.07.2016 passed by learned Civil Judge (Junior Division), Ajnala vide which the evidence of the petitioner was closed by court order. He filed an application for review of the said order dated 26.07.2016 but that was dismissed vide order dated 12.12.2016.

The orders passed by learned trial Court reflect that seven effective opportunities were availed by the petitioner for adducing his evidence but he failed to conclude the same. Learned counsel submits that no other evidence is left to be led by the petitioner except that the examination in chief of the petitioner has already been recorded and he is now to appear in the witness box only for cross-examination by the opposite party.

Complete examination of the petitioner being the plaintiff is

obviously important and necessary for proper and complete adjudication of

the matter in dispute. In case the opposite party is not given an opportunity to cross examine the petitioner, his examination in chief will also have been discarded which will certainly cause prejudice to the case of the petitioner.

No doubt, the petitioner had availed adequate opportunities to adduce his evidence but considering the aforesaid facts, in my considered opinion, he deserves to be given one opportunity to appear in the witness box to face cross-examination by the opposite party so that his statement is read in evidence. For the negligence and delay shown by the petitioner, he is burdened with costs of Rs.5000/- which shall be deposited with the Legal Aid Authority. Learned trial Court will fix a date for recording cross-examination of the plaintiff. In case the petitioner does not appear on the said date, no further opportunity shall be accorded.

Only with a view to avoid further delay in disposal of the case, the above order has been passed without issuing notice to the opposite party/ respondents.

(SNEH PRASHAR)
JUDGE

24.01.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**