

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

**C. R No. 8418 of 2017 (O&M)
Date of decision : 01.12.2017**

Mithlesh KumarPetitioner
versus

Jatinder Pal and anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Eklavya Gupta, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 15.09.2017 passed by learned Addl. Civil Judge (Sr. Divn.), Panchkula whereby the evidence of the petitioner/plaintiff was closed and order dated 17.11.2017 passed by Addl. Civil Judge (Sr. Divn.), Panchkula whereby the application for recalling order dated 15.09.2017 has been dismissed.

Learned counsel submits that the issues in the present case were framed on 21.07.2017 and thereafter, the plaintiff examined himself as witness on 08.08.2017. Then the case was adjourned to 15.09.2017 for cross examination of the petitioner and on that date, the evidence of the petitioner was closed on the ground that sufficient opportunities have been availed by the petitioner.

The application for recalling the order dated 15.09.2017 has also been dismissed, vide order dated 17.11.2017.

Learned counsel submits that the zimini order clearly shows that the petitioner has been perusing the case diligently and the petitioner

has been appearing before the trial Court on each and every date of hearing but it was on account of the request of the respondents to cross examine the petitioner, the case was adjourned from one date to another.

In view of the above, orders dated 15.09.2017 and 17.11.2017 passed by learned Addl. Civil Judge (Sr. Divn.), Panchkula are hereby set aside and the instant revision petition is **allowed** and the trial Court is directed to give one effective opportunity to the petitioner to cross examine three witnesses i.e Ram Sarup, Lila Nand Singh and Ashok Kumar, subject to deposit of cost of Rs.3000/- to be paid before the District State Legal Service Authority, Panchkula.

01.12.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE