

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

**C. R No. 8477 of 2017 (O&M)
Date of decision : 04.12.2017**

Dharam Singh

....Petitioner

versus

Lal Singh @ Lali and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Som Nath Saini, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 16.11.2017 passed by learned Civil Judge (Jr. Divn.), Nabha whereby the evidence of the petitioner/plaintiff was closed.

Learned counsel while referring to the zimini order states that the petitioner had taken every possible step to get the witnesses examined, as on 11.10.2017 three witnesses were present and could not be examined and were bound down for next date i.e 23.10.2017. On 06.11.2017, the witnesses were present but counsel for the plaintiff was busy in another Court and they could not be cross examined. The case was adjourned to 07.11.2017 and on that date no witness on behalf of the plaintiff was present and the case was adjourned to 08.11.2017 and on 08.11.2017 P.W.2 and P.W.4 were present and cross examined. Finally on 16.11.2017, the evidence of the petitioner was closed by observing that petitioner had taken numerous opportunities to conclude his evidence.

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.

In view of the above, order dated 16.11.2017 passed by learned Civil Judge (Jr. Divn.), Nabha is hereby set aside and the instant revision petition is ***allowed*** and the trial Court is directed to summon remaining witness for recording their evidence.

04.12.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE