

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

**C. R No. 8637 of 2017 (O&M)
Date of decision : 08.12.2017**

Punita Rani and anr.

....Petitioners

versus

M/s Streamline Enterprises (P) Ltd and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Khunger, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 28.11.2017 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana vide which the Civil Judge has allowed respondent No. 1 to lead the evidence even after closing of his evidence by making a statement dated 16.11.2017

A bare perusal of the impugned order shows that the plaintiff-respondent No. 1 is 70 years old man and it was observed that the plaintiff should not suffer due to the fault of his counsel for not making him aware that his evidence was necessary for the case. The plaintiff has not tendered his affidavit inadvertently and thus the Court allowed the plaintiff to lead his evidence as in the absence of the affidavit of the plaintiff, no purpose of this litigation would be served. The application of the plaintiff has rightly been allowed without going into the technicalities.

After the application of the plaintiff was allowed, the petitioner also filed an application to adjourn the proceedings as he want to challenge

the order . The case was fixed for 06.12.2017.

The grievance of the petitioner is that the trial is pending since 2012.

In view of the above discusssion, no ground is made out to interfere in the impugned order dated 28.11.2017 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Jagraon, District Ludhiana.

The revision petition is dismissed. However, for the speedy conclusion of the trial and being fair to the petitioner, two opportunities are granted to him to cross examine the witness.

A copy of this order be given *dasti* under the signatures of Court Secretary attached to this Court.

08.12.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE