

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

CR No.1088 of 2018
Date of decision: 10.05.2018

Joginder Kaur

... Petitioner

Versus

Sukhwinder Kaur @ Sukhbir Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajesh Sethi, Advocate for the petitioner.
Mr. Satbir Gill, Advocate for respondents No.1 & 2.
Ms. Ruchita, Advocate for
Mr. Vishal Garg, Advocate for respondent No.3.

ARUN PALLI, J. (Oral)

The petitioner is aggrieved by an order dated 07.02.2018, as also the order dated 17.01.2018, vide which his evidence was closed by order by the Additional Civil Judge (Sr. Divn.) Sirsa.

Ex facie, the petitioner-plaintiff has been remiss and negligent in pursuing his cause and, therefore, the Court was left with no other option but to close his evidence. However, it is also true that he has already examined four of his witnesses, and being the plaintiff he does not stand to gain by delaying his own case. Learned counsel for the petitioner submits that the petitioner only wish to examine six more witnesses whose testimony shall be crucial and decisive vis-à-vis the matter in issue. And in the event he is not granted one last opportunity to examine those witnesses he shall suffer an incalculable loss.

That being so, the orders dated 07.02.2018 and 17.01.2018 are set aside, and the revision petition is disposed of in the following terms:

i) The petitioner be granted only one opportunity and he shall adduce his entire evidence on the date that shall be specified by the trial Court in this regard;

ii) In the event of default, the matter shall not be adjourned for any reason and at any cost, and the evidence of the petitioner-plaintiff shall be deemed to have been closed;

iii) This, however, shall be subject to payment of costs of Rs. 25,000/-, to be shared by the respondents, that shall be a condition precedent.

Parties to appear through their respective counsel before the trial court on the date already fixed.

10.05.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO