

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

Civil Revision No.1587 of 2018.

Decided on:-March 09, 2018.

Chain Singh.

.....Petitioner.

Versus

Labh Singh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 03.02.2018 passed by learned Civil Judge (Junior Division), Gurdaspur, whereby the evidence of the petitioner-plaintiff was closed by order.

Learned counsel for the petitioner states that the petitioner is aged person and he intends to examine PW Gurnam Singh, who is attesting witness of demarcation report dated 15.06.2015. The demarcation report has already been produced on record as Ex.P3. He further states that no doubt, sufficient opportunities have been granted to the petitioner-plaintiff, but he would conclude his evidence in case one effective opportunity is granted to him. He further states that the case is now fixed before the trial Court on 17.03.2018 and on that date, the petitioner would conclude his evidence positively.

I have heard learned counsel for the petitioner-plaintiff and perused the impugned order.

Though notice of this petition was required to be issued, but in view of the fact that it would further delay the proceedings, requirement of notice is being dispensed with at this stage.

Record shows that the case has been adjourned before the trial Court at numerous occasions as the evidence had started on 23.03.2016, but the petitioner failed to conclude his evidence. Therefore, there is no illegality in the impugned order dated 03.02.2018 passed by learned trial Court. However, as the petitioner-plaintiff undertakes to conclude his evidence in case one opportunity is granted to him to examine PW Gurnam Singh who is stated to be an attesting witness of demarcation report dated 15.06.2015, this Court feels that ends of justice would be met if the petitioner is granted one effective opportunity to conclude his evidence.

Accordingly, the present petition is disposed of with a direction that learned trial Court shall grant one effective opportunity to the petitioner-plaintiff so as to enable him to examine PW Gurnam Singh subject to payment of Rs.10,000/- as costs to be paid to the respondent-defendant.

March 09, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No