

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 224

CR-1660-2018 (O&M)

Date of decision : 18.12.2018

Tarsem Singh

..... Petitioner

VERSUS

Balwant Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sunil Chadha, Senior Advocate, with
Mr. Chetan Bansal, Advocate, for the petitioner.

Mr. Vikas Bahl, Senior Advocate, with
Mr. Rohan Jain, Advocate, for the respondents.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 28.02.2018, passed by the Additional Civil Judge (Senior Division), Ludhiana (for short, the Trial Court), through which the petitioner's evidence was closed by order on the ground that even after availing several opportunities the petitioner/plaintiff did not lead his entire evidence.

Learned counsel for the petitioner submits that there was delay on the part of the petitioner in leading of his entire evidence primarily on the ground that the petitioner/plaintiff's witnesses even after service failed to appear before the Trial Court and the Trial Court without adopting coercive methods to secure their presence, ordered closure of the petitioner's evidence.

Learned counsel for the respondents submits that several opportunities had been availed by the petitioner to lead his evidence and the delay is attributable to him for which only he should suffer.

After hearing learned counsel for the parties and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from leading his entire evidence at the initial stage of the trial, subject to payment of ₹25,000/- as costs to be paid by the petitioner to the respondents, after setting aside the impugned order only to the extent wherein the petitioner's evidence has been ordered to be closed, the petitioner is granted one and only one effective opportunity to lead his entire evidence.

The present petition is allowed in the above terms.

18.12.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No