

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3694 of 2018
Date of Decision : 30.05.2018

Ravinder Bansal and another

.....Petitioners

Versus

Kuljit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Parvez Chugh, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners/plaintiffs are aggrieved by an order dated 9.2.2018 (Annexure P-11), rendered by the Civil Judge (Jr. Divn.), Chandigarh, vide which their evidence has since been closed.

Record shows that despite last opportunity granted to the petitioners they failed to lead and conclude their evidence. In fact on a previous date it was observed that if the plaintiffs fail to lead their entire evidence their evidence shall be deemed to have been closed. Thus, *ex facie*, the petitioners have been remiss and negligent in pursuing their cause. But, all what has been urged by the learned counsel for the petitioners; that petitioners do not wish to examine any other witness except PW3, whose statement in chief has already been recorded, and she is now required to appear for the purpose of cross-examination. Thus, in the given situation, it shall also be true that in the event the petitioners are not granted one opportunity to present PW3 for her cross-examination, not only her

statement in examination-in-chief will not be read into, but that might also cause an irreparable damage to the petitioners.

That being so, the impugned order dated 9.2.2018, is set aside, without issuing any formal notice to the respondent to avert any further delay and the expenses that he shall have to incur to defend these proceedings. And, the revision petition is accordingly disposed of, in the following terms:-

- (a) The petitioners shall be granted one last opportunity to present PW3 for the purpose of her cross-examination on the date that shall be specified by the trial Court in this regard.
- (b) In the event of default, the matter shall not be adjourned at any cost, and the evidence of the petitioners shall be deemed to have been closed.
- (c) This however, shall be subject to payment of Rs.15,000/- as cost that shall be a condition precedent.

30.05.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No