

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CR No.4043 of 2017 (O&M)

Date of decision: 09.02.2018

Anil Kumar and another

..... Petitioners

Versus

Jeon Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashish Gupta, Advocate
for the petitioners.

Mr. Sukhmeet Singh, Advocate
for respondent No.1.

Mr. Surinder Garg, Advocate
for respondents No.13 and 14.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs are in the revision petition against the order passed by the trial Court dated 08.05.2017 closing the evidence of the plaintiffs on the ground that the plaintiffs have failed to conclude their entire evidence, although, number of effective opportunities have been granted.

Learned counsel for the petitioners has pointed out that in fact three witnesses have been partly examined as their examination-in-chief by way of an affidavit has already been tendered in evidence and the case was adjourned on the request of learned counsel for the defendants. He further submits that the adjourned date turned out to be a holiday and thereafter, the case was taken up on 24.04.2017 when it was adjourned to 08.05.2017 and on that day, since the witnesses could not come present for cross-

examination, hence, the evidence was closed.

Although, this Court appreciates the efforts of the trial Court to expeditiously decide the cases, however, the parties have to be given effective opportunities to lead their evidence. In the present case, three witnesses have already been partly examined by the plaintiffs. The case was adjourned on the request of the defendants. The case was adjourned to a particular date which turned out to be a holiday.

Taking into consideration of the aforesaid facts, this Court is of the considered opinion that the plaintiffs-petitioners deserves one more opportunity to examine their three witnesses which have already been partly examined. The plaintiffs shall be responsible to produce all the three witnesses for cross-examination on 05.03.2018. However, this opportunity shall be subject to the cost of payment of Rs.5,000/-.

Revision petition is disposed of.

09.02.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No