

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.435 of 2018

Date of Decision: January 22, 2018

Jagan Nath

...Petitioner

Versus

Joginder Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Naveen Sharma, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 3.5.2017, whereby, his evidence has been closed by order and order dated 30.11.2017 dismissing the application for recall of the order.

Mr.Naveen Sharma, learned counsel for the petitioner-plaintiff contends that two years were taken by the defendant/respondents for filing their respective written statements. Examination-in-chief of the plaintiff was recorded on 17.10.2016 and cross-examination was completed on 21.11.2016. His evidence was closed by order on the ground that he has already availed fifteen opportunities for the purpose. He submits that plaintiff wants to examine three witnesses in total in case one opportunity is granted subject to any terms and conditions which this Court deem fit.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book.

Though in view of the zimni orders, the petitioner-plaintiff does

not require any concession of granting opportunity to lead evidence, but I am of the view that in case, the petitioner-plaintiff is granted one opportunity for producing three witnesses for examination, ends of justice would be met. In order to advance justice and prevent miscarriage of justice, I deem it appropriate to direct the trial Court to give one opportunity to the petitioner-plaintiff for producing three witnesses for examination in accordance with law. The petitioner-plaintiff shall file list of witnesses within a period of one week and get the summons of the witnesses dasti and shall not take more than one month in examining the aforementioned witnesses, subject to payment of ₹10,000/- as costs, which shall be condition precedent. If the costs is not paid as directed, the order passed already by the court below shall stand restored.

Accordingly, the impugned order dated 3.5.2017 is set aside and the revision petition is allowed.

January 22, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No