

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

CR No. 4727 of 2018

Date of Decision: 27.07.2018

Manpreet Singh and another

.....Petitioners

Vs.

Balram Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sandeep Bansal, Advocate, for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioners points to the fact that though vide impugned order dated 16.07.2018 (stated to have been erroneously recorded with the date “11.07.2018”), it has been observed by the learned Additional Civil Judge (Senior Division), Hoshiarpur, that 07 opportunities have been availed of by the defendants, including a last opportunity, to complete their presentation of evidence; whereas as a matter of fact the said 07 opportunities were not all availed of on account of the petitioners-defendants or their counsel but on account of an equal number of occasions availed of by counsel for the plaintiffs, who had requested for adjournments.

In that context learned counsel further points to the interim orders of that Court dated 27.03.2018, 11.04.2018, 07.05.2018, 21.05.2018 and 29.05.2018.

Thus, on four occasions, it was on account of the plaintiffs' counsel that the matter had been adjourned, with no fault of the defendants or their counsel.

Undoubtedly, on the first two dates that the defendants had to lead evidence, i.e. on 28.02.2018, 14.03.2018, and thereafter, again 24.04.2018 and 29.05.2018, the defendants' witnesses had not come present for being examined.

In fact it is seen that even the last opportunity referred to by the trial Court is one which was granted on 11.04.2018 to counsel for the plaintiffs, to cross-examine DW-1.

Hence, obviously the impugned order is incorrectly recorded by the trial Court, without going into the details of what was ordered by it on previous dates.

That being so, this petition is allowed even without issuing notice to the other side, and the impugned order is set aside, with liberty granted to the petitioners to conclude their evidence with two effective opportunities available to them.

July 27, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes