

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

Civil Revision No.6033 of 2018

Date of Decision:20.09.2018

Gurveen Singh alias Gunveen Singh

.....Petitioner

Vs.

Murali Raman and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Shashi Kumar Yadav, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner impugns the order of the learned trial Court {Civil Judge (Jr.Divn.) Gurugram}, dated 23.07.2018 (Annexure P-5), by which the evidence of the defendant was closed by that Court on the ground that despite several opportunities (including a last opportunity having been given), he had still not concluded his evidence. This was despite the fact that earlier also, due to non-leading of evidence, Rs.3,000/- had been ordered to be paid as costs by that Court, of which, prior to the stage of passing of the impugned order, only Rs.1,000/- had been paid.

On September 12, 2018, this Court had directed learned counsel for the petitioner to place on record the orders passed by the trial Court after the impugned order (dated 23.07.2018) was passed. Pursuant to that, he has produced in Court today uncertified copies of the orders passed by that Court on 04.08.2018, 20.08.2018 and 04.09.2018, a perusal of which shows that though the first order, dated 04.08.2018, is a detailed order, rejecting the application of the petitioner/ defendant seeking recalling of the impugned order dated 23.07.2018, the reason for dismissal is

essentially on the ground that this petition (CR-6033-2018) is pending before this Court.

As per the orders dated 20.08.2018 and 04.09.2018, no rebuttal evidence has been led so far by the respondents/plaintiffs.

That being so, this petition is allowed and the orders impugned are set aside.

It is directed that subject to the petitioner paying further costs of Rs.7,000/- to the respondents/plaintiffs, he would be granted three opportunities only to examine his three witnesses (subject of course to any adjournment sought by counsel for the respondents/plaintiffs, with such adjournments to be set off against the three opportunities).

Consequently, this petition is allowed, in the aforesaid terms.

(AMOL RATTAN SINGH)
JUDGE

September 20, 2018.

dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO