

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

139

CR No.6805 of 2018

Date of decision : 09.10.2018

Sindhu Trade Links Limited

... Petitioner

Versus

M/s United Contractors and others

....Respondents.

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.B.S.Sodhi, Advocate
for the petitioner.
Mr.HNS Gill, Advocate with
Ms.Harpreet Kaur Gill, Advocate
for the respondents.

Harinder Singh Sidhu, J.

Petitioner-plaintiff has filed a suit for recovery of Rs.50 lacs along with interest @ 18% per annum against the respondents-defendants.

Petitioner is aggrieved of the order dated 16.8.2018 whereby his evidence was closed by order and the case was fixed for evidence of the defendant. In the impugned order, the learned court has recorded that the plaintiff had availed 14 opportunities including 6 last and final opportunities, but it failed to conclude its evidence. On three occasions, it was made clear that in case of non-production of witnesses, evidence of the plaintiff would be closed by order. It has been noted that only evidence of PW-1 has been concluded and as regards the other witnesses, even diet money has not been deposited by the plaintiff. Also, the costs imposed while adjourning the case have not been deposited.

Learned counsel for the petitioner acknowledges that there has been lapses on the part of the plaintiff, he however urged that in the interest of justice, he be granted one opportunity to examine two witnesses. He wants to examine Halqa Patwari to prove that the land has been mortgaged by the respondents and an official of the bank to prove the payment made to

the respondent through bank draft. It is stated that the petitioner be given two effective opportunities to examine the said witnesses.

Learned counsel for the respondent on the other hand, contends that there is no justification for grant of any further opportunity as the petitioner has already availed sufficient opportunities. He further argues that a litigant cannot be permitted to continue with the litigation at his pleasure and leisure.

Though no doubt, the petitioner has already availed sufficient opportunities but considering that the evidence which is sought to be produced is material for adjudication of the case, it is deemed appropriate that the petitioner be granted two effective opportunities to lead its evidence.

Accordingly, the petition is allowed. The impugned order dated 16.8.2018 to the extent of closing evidence of the plaintiff is set aside. The trial court may grant only two effective opportunities to the petitioner to examine the Halqa Patwari and the concerned bank official. This shall be subject to payment of Rs.25,000/- to the defendant.

(Harinder Singh Sidhu)
Judge

09.10.2018

sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No