

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

Sr. No.117

CR-7125-2018

Date of decision: 31.10.2018

Malkit Singh

....Petitioner

versus

Chattar Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.K. Singla, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 06.10.2018 passed by the Civil Judge (Senior Division), Mansa (for short-'the Trial Court'), through which the petitioner/plaintiff's evidence was ordered to be closed on the ground that he has not led his entire evidence even after granting of six effective opportunities.

Learned counsel for the petitioner contends that out of the six opportunities which are said to have been granted to the petitioner, on two occasions, the petitioner's suit was adjourned on the request of counsel for defendant on the ground that he wanted time to cross-examine the plaintiff's witnesses. It is further submitted that the petitioner wanted to summon one Amrit Lal as a witness and with this intention had also deposited the diet money. However, as per the report of the process server, the summons issued to the aforesaid witness were not served upon him but instead of

following the prescribed procedure to ensure the presence of the witness before the Court, the Trial Court ordered the closure of the petitioner's evidence. It is prayed that subject to imposition of reasonable costs, at his own risk and responsibility, the petitioner be granted only one effective opportunity to lead his entire evidence.

In the facts of the present case and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from leading his entire evidence at the trial stage, subject to payment of ₹10,000/- as costs by the petitioner to the respondent, after setting aside the impugned order, the Trial Court is directed to grant to the petitioner one and only one effective opportunity to lead his entire evidence at his own risk and responsibility. The same be done either on the next date fixed before the Trial Court or within 15 days thereafter.

The present petition is allowed in the above terms.

If the respondents is aggrieved by the passing of the present order he is at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

October 31, 2018
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No