

CR No. 9223 of 2018

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

CR No. 9223 of 2018

Date of Decision: 19.12.2018

Anil Kumar

.....Petitioner

Vs.

Dalip Kumar

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rupesh Kumar Banga, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court, by which the evidence of the petitioner (defendant in the suit out of which this petition arises), has been closed due to the reason that despite sufficient opportunities having been granted to him to conclude his evidence, including a last opportunity, he had not done so.

As per the impugned order dated 28.11.2018, evidence of the respondent-plaintiff had been closed on 19.09.2018, i.e. two months and nine days prior to the impugned order having been passed.

When this petition had come up for hearing on 15.12.2018, learned counsel has been asked to produce in Court the order of the trial Court dated 03.12.2018, i.e. the next date of hearing given in the order.

At that time he had not been able to point out, but has pointed to today, Annexure P-4, which is the order passed on 03.12.2018, adjourning the matter to 15.12.2018 for rebuttal evidence and for arguments.

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15.12.2018 having also gone by, today he has produced the order of the trial Court of that date also, by which again the case has been adjourned to 07.01.2019 for rebuttal evidence if any, or for arguments.

Thus, after 28.11.2018 no effective proceedings have been conducted by that Court.

Upon query to learned counsel for the petitioner, he submits that only one witness for the petitioner-defendant needs to be examined.

That being so, even without issuing notice to the respondent, with no effective proceedings having been taken before the trial Court since 28.11.2018, this petition is allowed and the impugned order set aside, with the petitioner given one opportunity to examine his witness, subject to payment of costs of Rs. 2,000/-.

December 19, 2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.