

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 221(2)

CR-2621-2017 (O&M)

Date of decision : 10.09.2019

Pawan Kumar Bhalla

..... Petitioner

VERSUS

Dharam Pal Bhalla

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Ravinder Rana, Advocate, for
Mr. Samir Rathaur, Advocate, for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 02.03.2017, passed by the Civil Judge (Junior Division), Chandigarh (for short, the Trial Court), through which the petitioner's defence has been ordered to be closed for the reason that in spite of grant of several opportunities he did not lead his entire evidence.

After hearing learned counsel for the parties as also perusing the interim orders passed by the Trial Court it is found that on most of the dates before the Trial Court when the petitioner was required to lead his evidence one or more of his witnesses were either examined by him or were produced by him for their examination/cross examination showing the bonafide on his part so as not to delay leading of his evidence.

Learned counsel for the respondent submits that he has no objection if, subject to payment of costs, the petitioner is granted one opportunity to lead his entire evidence.

In view of the above as also for the reason that the petitioner may not be precluded from leading his entire evidence at the threshold of the

trial, subject to payment of ₹10,000/- as costs, to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one opportunity to lead his entire evidence.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to the respondent are transferred to the respondent's bank account.

The petition is allowed in the above terms.

10.09.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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