

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 554 of 2019 (O&M)

Date of Decision: 06.03.2019

Kuldeep Kumar

.....Petitioner

Versus

Surjit Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. L.S. Mann, Advocate
for the petitioner.

Mr. Kawaljyot Singh, Advocate
for respondents.

AVNEESH JHINGAN, J.(oral)

Aggrieved of the order dated 3.12.2018 passed by Civil Judge (Junior Division), Nakodar (hereinafter referred as 'Civil Court') closing the evidence of petitioner/defendant (hereinafter referred to as 'petitioner'), the present civil revision petition has been filed.

The facts in brief are that the respondents/plaintiffs (hereinafter referred to as 'respondents') filed a suit for grant of decree for possession of a shop, the boundary described in the plaint. On completion of the pleadings, the respondents concluded evidence. Thereafter, the matter was fixed for petitioner's evidence. In spite of availing various opportunities, the petitioner failed to conclude the evidence and the Civil Court was left with no other alternative except to close the evidence by order.

Learned counsel for the petitioner states that the counsel engaged by the petitioner migrated abroad and for this reason, the evidence could not be concluded and he had to engage another counsel.

Learned counsel for the respondents contends that the entire endeavour of the petitioner is to delay the matter and the evidence was intentionally being delayed.

Learned counsel for the petitioner, at this stage, states that the petitioner will conclude the evidence within two opportunities. He further undertakes that all the witnesses shall be produced at the responsibility of the petitioner.

Keeping in view the facts and circumstances of the case and the statement made by learned counsel for the petitioner, the impugned order is set aside, subject to payment of costs of ₹ 10,000/- to be paid to the respondents. The petitioner is granted two opportunities to conclude the evidence at own responsibility.

The civil revision petition is allowed.

06.03.2019

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No