

**205-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

**CR No.6417 of 2018 (O&M)
Date of Decision:19.07.2019**

RAJINDER VERMA

...Petitioner

Versus

**PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sudhir Paruthi, Advocate
 for the petitioner.

Mr. Parminder Singh, Advocate and
Ms. Charu Sharma, Advocate
for respondents No. 1 and 3.

Ms. Paramjit Kaur Deol, Advocate
for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 18.07.2018 passed by the Additional Civil Judge (Senior Division)-I, Jalandhar (for short-the Trial Court) through which the petitioner/plaintiff's evidence has been ordered to be closed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition, are that the petitioner filed a suit seeking therein to restrain respondent No.1-Corporation from disconnecting the electric connection No. AF12/830 which was installed in the name of the petitioner in property bearing No.3076/C comprised in Khasra No.780

situated at Adampur, Ward No.4, District Jalandhar (for short-the suit property). Mandatory injunction was also sought for directing respondent No.1-Corporation to disconnect the electrical connection installed in the name of respondent No.2 .

On being put to notice, the respondents who were the defendants in the suit, appeared before the Trial Court and filed their respective written statements. On the dispute between the parties, the Trial Court framed issues on which in spite of several opportunities granted to the petitioner/plaintiff, he did not lead his entire evidence. Therefore, through order dated 18.07.2018 the Trial Court ordered closure of the evidence of the petitioner. Such order is under challenge in the present proceedings.

Learned counsel for the petitioner submits that the petitioner had filed an application before the Trial Court seeking to produce three official witnesses. However, without deciding such application, the Trial Court passed the impugned order through which petitioner's evidence was ordered to be closed. He further submits that subject to imposition of costs to be assessed by this Court, one opportunity may be granted to the petitioner to lead his entire evidence.

Learned counsel for respondents No. 1 and 3 as also respondent No.2 opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had already been granted several opportunities to lead his evidence.

A perusal of the record reveals that the petitioner had filed an application seeking therein to summon three official witnesses. Such

application remained undecided by the Trial Court. However, the record further reveals that such application had been filed by the petitioner after he has been granted several opportunities for leading his entire evidence.

In spite of above, only for the reason that at the threshold of the litigation initiated by the petitioner, he may not be precluded from leading his entire evidence, subject of payment of ₹20,000/- as costs, to be deposited into the Employees' Welfare Funds of respondent No.1, the impugned order is set aside and the petitioner is granted one effective opportunity to lead his entire evidence.

The petition is allowed in the above terms.

Since, the suit filed by the petitioner is pending for the last five years, it is directed that after the grant of the aforesaid opportunity to the petitioner, respondents No.1 and 3 and respondent No.2 shall be granted 3-3 opportunities to lead their evidence and thereafter the petitioner's suit shall be finally adjudicated upon expeditiously by the Trial Court.

July 19, 2019

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

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