

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

116

CR no.1902 of 2019

Date of Decision: 19.03.2019

M/s Jimmy Resorts Pvt. Ltd.

...Petitioner

Vs.

Gobind Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Suneet Kumar, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner challenges the orders passed by the trial court (Civil Judge, Jr. Divn.), Ludhiana, dated 30.07.2018 and 04.02.2019.

By the first order, that Court closed the evidence of the petitioner (plaintiff in the suit), on the ground that despite a last opportunity having been granted to him for leading evidence, he had not done so.

The second order impugned is one passed on an application filed by the petitioner on August 27, 2018, seeking that the order dated July 30, 2018 be recalled, which prayer has been declined and that application also dismissed.

Learned counsel for the petitioner submits that after issues were framed on 04.11.2016, the petitioner-plaintiff actually examined 5 witnesses, with cross examination of 3 witnesses having been deferred on the request of the learned counsel for the respondents-defendants.

Upon a specific query, he submits that despite the order dated July 30, 2018 having been passed, more than 7 months ago, no evidence has been led by the defendants till date.

Considering the above, subject to that contention being correct, i.e. no witness for the defendants has been examined so far before the trial court, this petition is allowed without even issuing notice to the respondents, with a further condition that the petitioner would pay a cost of Rs.5000/- to the respondents-defendants, after which the petitioner would be allowed to conclude examination of his witnesses within two opportunities, subject of course to any further time necessary to be granted on account of the cross-examination of the witnesses already examined, or all those still to be examined, if that is deferred for any reason.

It is to be noticed that costs of Rs.5,000/- have been imposed despite the fact that learned counsel for the petitioner has contended that cross-examination of 3 witnesses was not conducted, because even so, the petitioner did not turn up before the trial court with his witnesses on a large number of occasions.

19.03.2019
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes