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

CR No. 2033 of 2019

Date of Decision: 04.04.2019

Punjab and Sind Bank

-Petitioner

Vs

Suresh Seth and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajiv Joshi, Advocate,
for the petitioner.

Mr. Sanjeev Duggal, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has preferred this revision petition against the order dated 25.02.2019 passed by Civil Judge (Senior Division), Phagwara vide which evidence of the plaintiff-petitioner was closed by order of the Court.

2. In the impugned order, it has been recorded by the trial Court that PW Pritpal Singh was present and examined and there was an earlier statement of learned counsel for the plaintiff at the bar that he does not want to examine any other witness and will close the evidence of the plaintiff but on the date of passing of impugned order, he pressed for adjournment of the case.

3. Owing to the conduct of the plaintiff-petitioner, evidence of the petitioner was closed by order of the Court.

4. Learned counsel for the petitioner by referring to interlocutory orders dated 27.02.2018, 06.04.2018, 13.07.2018, 17.09.2018 and 20.12.2018 contended that there was no such reference of making earlier statement by the plaintiff in the context of not examining any witness and for closing of evidence of the plaintiff.

5. In view of stand taken by the plaintiff, it would be just and expedient to relegate the petitioner to file an appropriate application before the trial Court in the context of recording the aforesaid statement in the impugned order without there being any observation of any such concession in the interlocutory orders passed by the trial Court from time to time.

6. What was transpired between the plaintiff and the Court needs to be projected before the same Court in view of **Commissioner of Customs, Mumbai vs Bureau Veritas and others, (2005) 3 Supreme Court Cases 265; Jagvir Singh & Ors., vs State (Delhi Admn.), 2007(3) R.C.R. (Civil) 375** and **Om Parkash vs Principal, Government Sr. Secondary School, Nilokheri and others, 2012(19) R.C.R. (Civil) 279.**

7. In view of aforesaid, petitioner would be at liberty to move an appropriate application before the trial Court in the

context of showing that no such statement was ever made by the plaintiff at any point of time. In case, the assertion made by the plaintiff is found to be justified, then one opportunity be afforded to the plaintiff to conclude its evidence, however, subject to payment of cost(s) of Rs.20,000/- to be paid to the respondents.

8. In case, the assertion made by plaintiff is found to be non-existent, then the impugned order be kept intact.

9. Disposed of.

04.04.2019

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No