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

CR No.2175 of 2019

Date of Decision : 08.05.2019

M/s Chef Om Hospitality and another

Petitioners

Versus

Harcharan Singh Bedi

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepam Raghava, Advocate
for the petitioners.

Mr. K.S. Khaira, Advocate for
Mr. Vaibhav Jain, Advocate
for the respondent.

AVNEESH JHINGAN, J (Oral)

Aggrieved of order dated 21.02.2019 passed by the Civil Judge (Junior Division), Gurugram [hereinafter referred to as 'the Civil Court'] closing the evidence of petitioners/defendants, the present Civil Revision Petition has been filed.

The facts in brief are that a suit for recovery was filed by the respondent/plaintiff. The pleadings were completed. The plaintiff concluded his evidence. The matter was fixed for defendants' evidence. The same was not completed and the Court closed the evidence of the defendants vide impugned order. Hence, the present petition.

Learned counsel for the petitioners contends that

DW-1 was present on earlier three occasions but the cross-examination was deferred either on the request of the respondent/plaintiff or on the ground that DW-1 was not feeling well on one date. He was not present only on 21.02.2019 and the evidence was closed.

Learned counsel for the petitioners states that one opportunity be provided to them to conclude evidence.

Learned counsel for the respondent argues that earlier the defendants have availed six opportunities but not concluded the evidence. The entire endeavour is to delay the proceedings.

Considering the fact that the witness was present on three occasions but his cross-examination could not be completed, it was only on 21.02.2019, he was not present and his evidence was closed, the impugned order is set aside.

The petitioners are provided with two opportunities to conclude their evidence subject to payment of cost of ₹2,500/- to the respondent.

The Civil Revision Petition is disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

May 08, 2019

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