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

CR No.2448 of 2019

Date of Decision: 20.05.2019

Maan Singh

Petitioner

Versus

Surjit Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Shweta Nahata, Advocate
for the petitioner.

None for respondent No.1.

Mr. Satbir Mor, Advocate
for respondents No.2 to 4.

Mr. Jai Narain, Advocate
for respondent No.5.

AVNEESH JHINGAN, J (Oral):

Aggrieved of order dated 25.01.2019 passed by the Civil Judge (Junior Division), Pehowa [hereinafter referred to as 'the Civil Court'] closing the evidence of the plaintiff/petitioner [hereinafter referred to as the 'petitioner'], the present Civil Revision Petition has been filed.

The facts in brief are that the petitioner filed a suit seeking permanent prohibitory injunction from dispossessing the petitioner or otherwise interfering in his possession.

After notice, defendant No.1 was proceeded against *ex-parte*. Defendants No.2 to 5 [respondents No.2 to 5 in this petition]

were contesting parties. The petitioner inspite of availing opportunity could not conclude his evidence and the Civil Court closed his evidence vide order dated 25.01.2019.

Learned counsel for the petitioner states that only one opportunity be provided to the petitioner to conclude the evidence at his own cost and responsibility. She argues that petitioner was having some family problems and on the last date he was suffering from viral fever due to which evidence could not be concluded.

Learned counsel for the respondents argues that the petitioner did not conclude his evidence intentionally in order to delay the proceedings.

Considering the statement made by learned counsel for the petitioner that only one opportunity is sought for concluding her evidence at her own cost and responsibility and further that he was not able to conclude the evidence as he was suffering from viral fever, the impugned order is set aside subject to payment of cost of ₹5,000/- to the contesting respondents. The Civil Court shall provide one effective opportunity to the petitioner to conclude the evidence.

The Civil Revision Petition is allowed.

[AVNEESH JHINGAN]
JUDGE

May 20, 2019
pankaj baweja

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