

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

Sr. No.118

C.R. No.2484 of 2019

Date of decision: 11.04.2019

Vinit

....Petitioner

versus

Bakhatawar Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rohan Sharma, Advocate, for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 22.02.2019 passed by the Additional Civil Judge (Senior Division) Kosli (for short -the Trial Court) through which the petitioner'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 respondents No.1 to 3 filed a suit through which they challenged order dated 04.05.2017 passed by the Additional Civil Judge (Senior Division), Kosli in succession petition no.4/2016 titled as Vinit vs. General Public. They further prayed that the petitioner, who was defendant No.1 in the suit, be not held entitled to get succession certificate qua retiral and other benefits of deceased Ran Singh son of Chotu Ram and that the plaintiffs and the defendants in the suit be held entitled to the same. On being put to notice, the petitioner appeared before the Trial Court and filed his written statement through which he disputed the claim set up by respondents No.1 to 3. Thereafter, on 03.04.2018, the Trial Court framed issues on which on 26.11.2018, respondents No.1 to 3/plaintiffs finished leading their entire evidence. The

petitioner was thereafter, granted six opportunities to lead his evidence but he failed to conclude the same within such opportunities.

Learned counsel for the petitioner submits that the petitioner is a young man of 20 years of age as also a student and therefore, due to lack of experience and miscommunication between him and his counsel, on more than one occasions he could not deposit the diet money for summoning of the four witnesses he intended to produce. He prays that subject to assessment of reasonable costs, two effective opportunities be granted to the petitioner to lead his entire evidence.

After considering the above submissions and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising his entire evidence at the threshold of the litigation filed against him, subject to payment of ₹10,000/- as costs, to be paid by the petitioner to respondents No.1 to 3, the impugned order is set aside and the petitioner is granted two effective opportunities to lead his entire evidence at his own risk and responsibility.

The Trial Court shall ensure that the awarded costs ordered to be paid by the petitioner to respondents No.1 to 3 are transferred to their respective bank accounts.

The petition is allowed in the above terms.

If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application.

April 11, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)
JUDGE

Yes/No
Yes/No