

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

**Civil Revision No.4529 of 2019
Date of decision: 22.07.2019**

Partap Singh

.....Petitioner

Versus

Manjit Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Bhinder, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 23.05.2019 (Annexure P-4) passed by the Civil Judge (Junior Division), Patiala, whereby evidence of plaintiff-petitioner has been closed by order.

Learned counsel for plaintiff-petitioner states that he (petitioner) filed a suit for permanent injunction against the defendants in the year 2018. This case was fixed for evidence of plaintiff for 09.05.2019. But, no witness of the plaintiff was present on that date. Learned counsel for the plaintiff gave an undertaking that he would conclude the entire evidence on the next date of hearing. Accordingly, the case was adjourned to 23.05.2019 for the said purpose. Thereafter, the petitioner made an application for depositing the diet money for summoning the witness. On 23.05.2019, PW-2 Mehanga Singh was examined. However, other witnesses i.e. Kanungo and Patwari

could not come present in Court. Ultimately, vide impugned order dated 23.05.2019, evidence of the plaintiff-petitioner has been closed by order. Learned counsel further states that adequate opportunity has not been provided to the plaintiff to conclude his evidence.

However, in the given circumstances of the case, to impart complete justice to the parties, it would be appropriate, if adequate opportunity is provided to the plaintiff-petitioner to lead his evidence.

Accordingly, the impugned order dated 23.05.2019 (Annexure P-4) is set aside and trial Court is directed to provide one effective opportunity to plaintiff-petitioner to conclude his evidence by examining aforesaid two witnesses as per application (Annexure P-2), subject to costs of Rs.5000/- to be deposited with the District Legal Services Authority, Patiala.

Allowed accordingly.

22.07.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No