

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 118

CR-5806-2019

Date of decision : 16.09.2019

Babu Ram

..... Petitioner

VERSUS

M/s Naresh Kumar &
Ashok Kumar Chhachhrauli

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepak K. Bartia, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 29.08.2019, passed by the Civil Judge (Junior Division), Bilaspur (for short, the Trial Court), through which the petitioner/defendant's evidence has been ordered to be closed.

Learned counsel for the petitioner submits that there is factual error in the impugned order passed by the Trial Court ordering closure of the petitioner's evidence as seven effective opportunities were not granted to the petitioner to lead his entire evidence since out of the seven dates fixed before the Trial Court at least on two dates the trial Judge was on leave. It is prayed that subject to payment of reasonable costs, at his own risk and responsibility, the petitioner be granted only one opportunity to lead his entire evidence.

A perusal of the interim orders passed by the Trial Court reveals that at least on two dates when the respondent's suit was fixed before the Trial Court, the trial Judge was on leave and the matter was taken up on a date prior to the date already fixed. Further, on one of the three occasions on which the respondent's suit was listed before the Trial Court for leading of

the petitioner's evidence, the petitioner did produce one of his witnesses.

In view of the above and in line with the principles of natural justice as also not to preclude the petitioner from leading his entire evidence at the threshold of the trial, subject to payment of ₹5,000/- as costs, to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one effective opportunity to lead his entire evidence.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to the respondent are transferred to the respondent's bank account.

The petition is allowed in the above terms.

If the respondent is aggrieved by passing of the present order, it is at liberty to approach this Court by filing of an appropriate application.

16.09.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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