

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

CR-6563-2019

Date of decision: 18.10.2019

Suresh Kumar

...Petitioner

Versus

Sarbjit Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 30.09.2019 (Annexure P-4) passed by the Additional Civil Judge (Senior Division), Mukerian, whereby evidence of plaintiff-petitioner has been closed by order.

Plaintiff-petitioner has filed a suit on 24.08.2016 (Annexure P-2) for recovery of Rs.10,00,000/- as damages/compensation on account of injuries suffered at the hands of defendants-respondents. A perusal of the impugned order shows that after framing of issues, plaintiff-petitioner availed 09 opportunities to conclude his evidence. Ultimately, vide impugned order dated 30.09.2019 (Annexure P-4), evidence of plaintiff-petitioner has been closed by order.

Learned counsel for the petitioner states that out of 08 witnesses, one witness has already been examined. Two official witnesses namely MHC Palwinder Singh and Sandeep Kumar from Police Department did not appear and non bailable warrants have been issued against them. Learned

counsel prays that two effective opportunities may be provided to the plaintiff to examine the remaining witnesses.

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 parties to lead their evidence.

Accordingly, the impugned order dated 30.09.2019 is set aside and trial Court is directed to provide two effective opportunities to plaintiff-petitioner to examine his witnesses and conclude entire evidence subject to costs of Rs.5000/- to be deposited with the District Legal Services Authority, Hoshiarpur. Trial Court is further directed to make attempts to secure the presence of aforesaid two official witnesses i.e. MHC Palwinder Singh and Sandeep Kumar from Police Department in accordance with law.

Allowed accordingly.

18.10.2019
ajp

(RITU BAHRI)
JUDGE

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