

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

CR-7476-2019

Date of decision: 25.11.2019

Lal Singh

...Petitioner

Versus

Gurbax Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amarbir Singh Salar, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 14.11.2019 (Annexure P-4) passed by the Additional Civil Judge (Senior Division), Kalka (Panchkula), whereby evidence of defendant-petitioner has been closed by order.

Plaintiff-respondent No.1 has filed a suit for declaration. In this suit, after framing of issues, evidence of plaintiff-respondent No.1 was closed on 16.05.2019. Thereafter, defendant-petitioner availed four opportunities to get his evidence recorded. After availing those four opportunities, three more opportunities were availed to unable defendant(s) to get the record from the office of Deputy Commissioner, Panchkula. A perusal of the impugned order shows that one witness namely Anil Kumar from HRA Branch, DC Office, Panchkula was present in Court and suffered a statement that the record summoned by the Court, was in the custody of Field Kanungo namely Jwala Singh. Due to this reason, learned counsel for defendant-petitioner sought adjournment on the ground that he had to

summon the aforesaid Field Kanungo along with the relevant record. However, the request made by learned counsel for the defendant was declined by the trial Court and evidence of defendant was closed by order by observing that he has already taken 11 opportunities.

Learned counsel for the petitioner states that one witness has been examined and four more witnesses are required to be examined.

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 14.11.2019 (Annexure P-4) is set aside and trial Court is directed to provide two effective opportunities to defendant-petitioner to produce and conclude his entire evidence, subject to costs of Rs.5000/- to be deposited with the District Legal Services Authority, Panchkula.

Allowed accordingly.

25.11.2019
ajp

(RITU BAHRI)
JUDGE

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