

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

Sr. No.113

CR No.7499 of 2019

Date of decision: 26.11.2019

Satpal Singh

....Petitioner

versus

Bhajan Singh @ Harbhajan Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 18.10.2019 passed by the Additional Civil Judge (Senior Division), Phul, (for short – the Trial Court) ordering closure of the petitioner/defendant's evidence on the ground that he did not lead his entire evidence even after grant of several effective opportunities.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the respondent filed a suit through which he sought to recover from the petitioner an amount of Rs.2,43,900/- alongwith future interest. On being put to notice, the respondent, who was the sole defendant in the suit appeared before the Trial Court and filed a written statement through which he contested the respondent's suit. Thereafter, the Trial Court framed issues and the respondent led his entire evidence. Even after the grant of five opportunities, when the petitioner did not lead his evidence, the Trial Court ordered closure of his evidence. Such order of the Trial Court is under

challenge in the present proceedings.

Learned counsel for the petitioner submits that the first opportunity granted to the petitioner to lead his evidence was on 12.09.2019 and in about a months time, the Trial Court has ordered closure of the petitioner's evidence. It is submitted that some time was taken by the petitioner to collect material for effectively leading his evidence and that there was some miscommunication between him and his counsel causing delay in the leading of his evidence. He submits that one effective opportunity be granted to the petitioner to lead his entire evidence.

After considering the above pleas raised on behalf of the petitioner and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising his defence at the threshold of the litigation that he faces, subject to payment of ₹15,000/- 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 awarded costs ordered to be paid by the petitioner to the respondent are transferred to his bank account.

The petition is allowed in the above terms.

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

(DEEPAK SIBAL)
JUDGE

November 26, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No