

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

**CR No.11655 of 2018 (O&M)
Date of Decision:-05.12.2019**

Shri Krishan Educational Trust

...Petitioner

Versus

Subhash Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Satpal Bhasin, Advocate for
Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Rajesh Malik, Advocate for
Mr. Sandeep Singh, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

Learned counsel for the petitioner seeks to assail order dated 27.11.2018 passed by Civil Judge (Sr. Divn.), Kurukshetra vide which evidence of the defendant-petitioner was closed by order of the Court on the premise that the said opportunity was 24th opportunity for evidence of the defendant-petitioner. The Court has noticed that on the last date i.e. 25.10.2018, the summon was issued to the official witness but the same was received back with a report that the official was on leave on account of illness of his wife.

At the time of issuance of notice of motion on 18.12.2018, following order was passed:-

"Learned counsel for the petitioner contends that official witness did not appear for cross-examination. Summons were issued to him, but he was on leave. The evidence of the defendant was closed.

Notice of motion for 01.02.2019.

Till the next date of hearing, trial Court is directed to adjourn the proceedings beyond the date fixed by this Court."

Today, learned counsel for the respondent states that the respondent has no objection in case one effective opportunity is granted to the defendant-petitioner to conclude its evidence, however, subject to payment of some cost(s).

Evidently, the witness could not appear despite service as he was on leave on that day. Owing to the situation, I deem it appropriate to grant one effective opportunity to the petitioner to conclude its evidence on a date to be fixed by the Trial Court after giving notice to the parties.

The aforesaid facts would give rise to a consideration in favour of the petitioner, however, subject to payment of cost(s) of ₹10,000/- to be paid to the plaintiff.

The payment of cost(s) shall be the condition precedent for granting indulgence by the Trial Court in the aforesaid context.

In view of the above, the present revision petition, is

allowed.

05.12.2019
geeta

(Raj Mohan Singh)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No