

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5467 of 2018

Date of Decision: 23.01.2020

Harjap Singh

.....Petitioner

Vs.

Gurdev Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kulwant Singh, Advocate,
for the petitioner.

Mr. Gurbir Singh Pannu, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned Civil Judge (Senior Division), Ludhiana, dated 20.04.2018 (Annexure P-6), whereby the application of the petitioner-plaintiff, filed before that Court for exemption of his personal presence on that date, has been dismissed and the plaintiffs' evidence has also been closed "by order" on that date, after giving him 16 opportunities.

Learned counsel for the petitioner has reiterated as he had submitted on 23.08.2018, when notice of motion was issued in this case, that the petitioner was actually undergoing medical treatment, eventually resulting in a hip joint replacement, the said treatment having commenced with a diagnosis in February, 2018, and ending with surgery in the Christian Medical College, Ludhiana, in July 2018. He points to the petitioners' medical report (Annexure P-4 collectively), in that context.

He further submits that the evidence of the defendants has not been started as yet, as this court had issued a direction to the trial court to adjourn the case to a date beyond that given by this court, when notice of motion was issued by this court on 23.08.2018.

Learned counsel for the respondent-defendants submits that 16 opportunities had been granted to the plaintiff by the trial court to conclude his evidence and consequently, he opposes the prayer of learned counsel for the petitioner.

He further submits that two witnesses, i.e. PW-2 and PW-3, tendered into evidence their affidavits as recorded in the order of the trial court dated 17.01.2018, but their cross-examination has not been conducted, as yet, as they were not produced by the plaintiff as yet.

Having considered the matter, this petition is disposed of with a direction to the trial court that if the petitioner does not produce his witnesses for cross-examination on two opportunities within a period of one month from today, the impugned order shall stand revived but subject to the above it stands set aside.

January 23, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.