

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

CIVIL REVISION No.3803 of 2019
DATE OF DECISION : 3rd FEBRUARY, 2020

Pinderdeep Singh

.... Petitioner

Versus

Baljinder Singh

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Balraj Singh Sindhu, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CM-2273-CII-2020

The counsel has also produced the receipt for deposit of the costs amount of ₹5000/- imposed by this court vide order dated 25.11.2019. The same is also taken on record.

For the reasons mentioned in the application the same is allowed. The orders attached with the application are taken on record.

CIVIL REVISION No.3803 of 2019

The present petition has been filed under Articles 226/227 of the Constitution of India challenging order dated 24.04.2019 (Annexure P-3) passed by the Civil Judge (Senior Division), Bathinda, vide which oral evidence of the plaintiff has been closed.

It is contended by the counsel for the petitioner that earlier the petitioner could not examine his witnesses because of the communication gap; and the official witness could also not be examined because he could not appear, being busy with the intervening election to the Parliament of India. It is further submitted that only two witnesses

are left to be examined by the petitioner. The petitioner would produce both these witnesses at his risk and responsibility, if he is granted opportunity to produce them. Hence, it is prayed that the impugned order be set aside and the petitioner be granted opportunity to complete his evidence.

Having heard learned counsel for the petitioner; and having perused the file, this court finds that the trial court has rightly recorded that the plaintiff/petitioner has availed 23 effective opportunities for completing his evidence. The record also shows that except on 07 of these dates, the case was adjourned only because of the default of the petitioner in producing the witnesses. Hence, this court does not find any illegality with the order passed by the trial court, as such. However, the fact remains that the petitioner is prosecuting his case as plaintiff; and if he is not granted opportunity to lead the evidence, so desired by him, then his case would be irreparably damaged, whereas, if he is allowed to lead the evidence, then the defendant would have full liberty to rebut the same, in accordance with law. Therefore, it would not be unjustified if the petitioner is granted one more opportunity to complete his evidence, however, by putting him to some appropriate financial burden.

In view of the above, the present petition is disposed of, by modifying the impugned order passed by the trial court; and with further direction that the petitioner be granted one effective opportunity to complete the entire evidence, subject to payment of ₹20,000/- as costs. The costs amount is ordered to be deposited with the Institute for Blinds, Sector-26, Chandigarh.

It is further clarified that the petitioner shall be granted opportunity to lead the evidence only after he produces the receipt of having deposited the costs amount, as mentioned above.

Disposed of.

3rd FEBRUARY, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>