

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8180 of 2019

Date of Decision: 06.02.2020

Charanjit Kaur and others

.....Petitioners

Vs.

Harpreet Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.S. Randhawa, Advocate,
for the petitioners.

Mr. Nitin Thatai, Advocate,
for respondent no. 2 (e).

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to fresh notices issued to the unserved respondents as per the order dated 21.01.2020, the report of the Registry is to the effect that they all stand served but with none representing them.

Both learned counsel, however, are again *ad idem* that as a matter of fact it is only respondent no. 2 (e), who is the contesting respondent, represented by Mr. Nitin Thatai, Advocate.

By this petition, the petitioners challenge the order of the trial court dated 16.08.2019, by which the evidence of the petitioners (plaintiffs) was ordered to be closed for the detailed reasons given in that order.

The reasoning given by the trial court is that in fact after issues were framed, with 10 opportunities having been availed by the plaintiffs, they had not concluded their evidence and consequently, eventually with even the list of witnesses having been provided only on 30.01.2019 (the issues having been

framed on 14.12.2018).

Thereafter, on 26.03.2019, with 04 dates having gone by in between, the evidence of the petitioners-plaintiffs was closed “by order”, which was challenged before this court and was set aside on 22.07.2019 by this court, in an order passed in CR No. 2695 of 2019 (copy Annexure P-10), subject to the conditions laid down therein, essentially those being that the entire evidence by way of examining of witnesses would be concluded by 13.08.2019, subject further to payment of costs of Rs. 15,000/-.

It had also been observed by the trial court that in the previous order passed by this court on 15.10.2018 (in a revision filed by the respondents herein challenging an order of the trial court on an application filed under Order VII Rule 11 of the Code of Civil Procedure), the suit itself had been ordered to be decided within one year, but with this court having clarified in its latter order dated 22.07.2019 that in fact it was to be decided preferably within one year.

Be that as it may, learned counsel for the petitioners submits today before this court that as a matter of fact the petitioners only want to lead in evidence certified copies of certain documents, with no oral evidence required to be led in support of such documents, and consequently, the respondents would not be prejudiced by the petitioners being granted one opportunity to tender that evidence.

Mr. Thatai, learned counsel appearing for respondent no. 2 (e), submits that the petitioners having availed of enough opportunities to lead their evidence and not having done so despite the earlier orders passed on 22.07.2019, they do not deserve any further indulgence.

Having considered the arguments, in view of the fact that the petitioners only seek to tender certified copies of documents in court, without

wishing to lead any further oral evidence in support thereof, I would see no harm in that being done because obviously that would not delay the suit any further for want of witnesses coming forward to testify in support of those documents.

At this stage, Mr. Thatai submits that if at all the petition is to be allowed, it should be only after imposing costs upon the petitioners.

Consequently, the petition is allowed, with the impugned order set aside, subject to the petitioners paying Rs. 10,000/- as costs to respondent-defendant no. 2 (e) and further subject to the condition that all documents that they wish to submit to the trial court would be submitted within 15 days from today, with it made absolutely clear that no further oral evidence, whatsoever, shall be allowed to be led by the trial court on the side of the petitioners.

Naturally, if the court eventually comes to the conclusion that the documents tendered are not evidence enough of the facts that they wish to prove, that would be taken into consideration by it wholly on the merits of whether such documents are admissible *per se* in evidence or not, at the time of the decision of the suit itself.

The amount of Rs. 10,000/- deposited by way of pre-litigation costs be disbursed to the only respondent as has chosen to appear before this court, i.e. respondent no. 2 (e).

Naturally, the pre-litigation costs have nothing to do with the further costs of Rs. 10,000/- imposed today.

February 06, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes/No
Yes/No.