

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

**CR-2903-2021 (O&M)**

**Date of decision :14.12.2021**

Rajinder Singh and others

.....Petitioners

versus

Anil Chopra and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Sandeep K. Rana, Advocate for the petitioners.

Mr. Vaibhav Goel, Advocate for respondent Nos.9 and 10.

None for respondent Nos.1 to 8 and 11.

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**ALKA SARIN, J.**

Taken up in physical mode.

The prayer in the present petition under Article 227 of the Constitution of India is for setting aside the impugned order dated 07.10.2021 vide which the evidence of the plaintiff-petitioners has been closed and the application for production of original document i.e. General Power of Attorney bearing document No.499 dated 19.11.1986, has been dismissed.

Learned counsel for the plaintiff-petitioners, on 25.11.2021, had made a categorical statement that he would not be pressing his application for production of the original General Power of Attorney bearing document No.499 dated 19.11.1986. Even today learned counsel for the plaintiff-petitioners has stood by that statement and prays that he be granted one last opportunity to conclude his evidence at his own risk and responsibility.

Learned counsel for the defendant-respondent Nos.9 and 10 has opposed the prayer on the ground that these are only delaying tactics and

that the plaintiff-petitioners were granted last opportunity by the Court below, however, they did not avail of the said opportunity. It has further been pointed out that even in the impugned order dated 07.10.2021 it has been noticed that the plaintiffs-petitioners had availed of various opportunities for leading their evidence, however, failed to do so despite it being last opportunity for them to produce their evidence.

I have heard learned counsel for the parties. The *zimini* orders of the civil suit, as available on the District Courts website, show that the plaintiff-petitioners were granted several opportunities before the Trial Court closed their evidence by the impugned order dated 07.10.2021. Thereafter, the case was fixed on 02.11.2021, 09.11.2021 and 26.11.2021 for the evidence of the defendant-respondents. However, no evidence has been produced till now by the defendant-respondents and the civil suit is now fixed on 20.12.2021 for this purpose. As such, no prejudice would be caused to the defendant-respondents if one last opportunity is granted to the plaintiff-petitioners to lead their entire evidence. Counsel for the plaintiff-petitioners has already stated that he is not pressing the application for production of the original General Power of Attorney bearing document No.499 dated 19.11.1986 and only be granted one last opportunity to conclude his evidence at his own risk and responsibility.

As such, the impugned order dated 07.10.2021 is set aside and the plaintiff-petitioners are granted one last opportunity to lead their entire evidence at their own risk and responsibility on the next date of hearing i.e. 20.12.2021 and in case they fail to do so the Trial Court shall be at liberty to close the same. However, the plaintiff-petitioners are burdened with costs of ₹10,000/- for delaying the disposal of the civil suit which has been pending

since 2014. The payment of the said costs shall be a condition precedent for the plaintiff-petitioners being permitted one last opportunity to lead their entire evidence at their own risk and responsibility on 20.12.2021. Costs be deposited with the Haryana State Legal Services Authority.

Disposed off in the above terms.

**( ALKA SARIN )  
JUDGE**

**14.12.2021**  
Yogesh Sharma

**NOTE:      Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO**