

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

CR-7409-2016

Date of decision : May 31, 2022

Jimmi Rai

..... Petitioner

Versus

Bhagat Singh Rai and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Manbir Singh Batth, Advocate for the petitioner.

Mr. Kewal Krishan, Advocate for respondent Nos.3 to 5 and 7.

ANIL KSHETARPAL J. (ORAL)

The petitioner herein is the plaintiff in the suit filed for grant of decree of joint possession with respect to land measuring 233 kanals 15 marlas. The trial Court ordered closure of his evidence after observing that sufficient opportunities have already been granted to him.

On 07.11.2016, the following order was passed:-

“Learned counsel for the petitioner contends that issues were framed on 07.08.2015. Thereafter, on two occasions i.e. 29.09.2015 and 18.11.2015, the case was fixed for plaintiff evidence, but the same could not be led. Subsequent proceedings of the Court were revolving around the application under Order 7 Rule 11(a) read with Section 151 CPC. The said application was disposed of being not pressed on 22.07.2016. Thereafter, evidence of the plaintiff again started w.e.f. 29.07.2016 and with short intervals the same was ordered to be closed by order of the Court on 13.10.2016.”

After having heard learned counsel for the parties, this Court is of the view that the petitioner should be granted one more opportunity to conclude his entire evidence. This order has been passed keeping in view

the contentions noted in the order dated 07.11.2016. However, this opportunity shall be subject to the payment of cost of Rs.5,000/-.

Disposed of.

(ANIL KSHETARPAL)
JUDGE

May 31, 2022

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No