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

CR-556-2022 (O&M)
Date of decision: 02.08.2022

Upendar Sharma

... Petitioner

Vs.

Dr. Sunil Kumar Sharma

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

None for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

CM-9195-CII-2022

For the reasons stated in the application, same is allowed and
Annexure A-1 is taken on record.

CM stands disposed of.

CR-556-2022

Prayer in this petition is for setting aside the order dated
04.01.2022 passed by the Addl. Civil Judge (Sr. Divn.), Panipat, in Civil Suit
No.1438 of 2018, vide which evidence of the petitioner-defendant has been
closed by Court order.

Learned counsel for the petitioner has placed on record case
details, to submit that the case was fixed for the first time for the plaintiff's

evidence on 19.08.2019 and as many as 10 opportunities were given to the respondent-plaintiff to lead his evidence till 16.11.2022. It is further submitted that case of the petitioner-defendant was fixed for the first time on 07.12.2021 and by giving only three dates, within a span of three months, his evidence was closed by Court order. It is also submitted that the petitioner wants to examine three witnesses, apart from exhibiting certain documents and he may be granted two effective opportunities to lead his entire evidence.

After hearing learned counsel for the petitioner and considering the fact that none has put in appearance on behalf of the respondent-plaintiff to contest this petition and also in view of the fact that the plaintiff was granted more than 10 opportunities to lead his evidence from 2019 to 2021, this petition is allowed and the impugned order dated 04.01.2022 is set aside.

The trial Court is directed to grant two effective opportunities to the petitioner-defendant to conclude his entire evidence, however, subject to payment of costs of Rs.2,000/- to the respondent-plaintiff.

Effective opportunity would mean a day, when the Court is held by the Presiding Officer and the witnesses of the petitioner-defendant are present and statement is recorded.

[ARVIND SINGH SANGWAN]
JUDGE

02.08.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No