

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

212

CR-2206-2022
Date of Decision: 01.07.2022

Mahinder Ram (Bajigar Dairy Wala)
..... Petitioner

Versus

Suresh Kumar
..... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Hardeep Singh Dhillon, Advocate,
for the petitioner.

Mr. Sarvjit Singh Khurana, Advocate
for the respondent.

ANOOP CHITKARA, J. (ORAL)

Petitioner/defendant has come up before this Court is setting aside of order dated 09.05.2022 whereby his evidence closed by Court order.

A perusal of the order dated 09.05.2022 reveals that the concerned Court was constrained to pass such order because despite various opportunities no defendant evidence was present.

Learned counsel for the petitioner submits that a final opportunity be afforded to him because the absence of defendant witness was due to various reasons, some beyond his control.

Learned counsel for the respondent has strenuously opposed any such indulgence and concession.

Be that as it may, in the entirety of the facts and circumstances this Court is of the considered view that one final opportunity be afforded to the petitioner/defendant to lead his evidence. For this purpose, trial Court to fix any date upto 15th July, on which date all the witnesses of the petitioner/defendant shall remain present and no separate notices or summons will be issued to them by the trial Court for that purpose. It shall be sole responsibility of the defendant to ensure the presence of all his witnesses. It is clarified that in case, any of the witness or witnesses are not present then no more opportunity will

Rs. 7,500/- to be paid in cash to the plaintiff before the trial Court.

In case, the concerned Court has no time on that day to record the statement of witnesses then in such a situation, the Court shall give the next date, on which date, this order shall continue as per the same terms and conditions.

The present petition is disposed of. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.07.2022
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No