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

CR-2880-2022 (O&M)

Date of Decision:25.07.2022

Navdeep Singh

.. Petitioner

Vs.

Mohan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This revision petition has been filed under Article 227 Constitution of India for quashing the impugned order dated 17.05.2022 (Annexure P-20) passed by the Civil Judge, (Jr. Divn.), Baba Bakala Sahib, whereby trial Court closed the evidence of the plaintiff.

Learned counsel has argued that after framing of issues on 19.09.2019, the plaintiff's evidence commenced and in order to discharge the onus relating to the issues, five witnesses were examined and only 1 witness, namely, Kawaljeet Singh concerned Clerk, Office of Sadar Kanoongo, Amritsar was left to be examined, who was also present in trial Court on 12.05.2022, but his deposition could not be recorded, as the Presiding Officer was attending meeting at Headquarters. Learned counsel submits that the case was adjourned to 17.05.2022 and on the said date, it was pointed out that the witness is engaged before Ajnala Court, for evidence, therefore, is unable to appear, but the adjournment was declined and plaintiff's evidence was closed. He submits that except for this witness,

no other witness is to be examined and if, one opportunity is granted to the

plaintiff/petitioner, he will examine the said witness on his own responsibility

Heard.

In view of the limited relief prayed for by the petitioner/plaintiff, this Court is not inclined to issue notice to the other side, as it may cause unnecessary burden upon them. However, it shall be open for them to seek recalling of this order, in case, they feel that the petitioner/plaintiff has not approached this Court with clean hands.

Upon considering the submissions and examining the zimni orders passed by the trial Court, this Court finds that justifiable explanation was offered on 17.05.2022 by the plaintiff for absence of witness, namely, Kawaljeet Singh, but disbelieving the same, Civil Judge (Jr. Divn.), Baba Bakala Sahib passed extremely harsh order by closing his evidence. Since, the evidence sought to be adduced on behalf of the plaintiff appears to be necessary, therefore, if an opportunity is granted, no prejudice would be caused to the other side, who shall be getting an opportunity to cross-examine the said witness.

Resultantly, the impugned order dated 17.05.2022 (Annexure P-20) is set aside, and it is directed that one effective opportunity be given to the plaintiff to examine the said witness either on the date fixed or on any other date fixed by the trial Court.

Disposed of.

25.07.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No