

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2022-2022

DATE OF DECISION: JULY 27, 2022

INDERJEET SINGH

...PETITIONER

VERSUS

M/S HANS RAJ RAMESH KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. KARUNESH KAUSHAL, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioner-defendant is aggrieved against the orders dated 23.5.2022 (Annexure P-3) and 14.7.2022 (Annexure P-6), passed by the Civil Judge(Jr.Divn.), Dabwali, whereby firstly his evidence was closed and later application moved by the defendant seeking permission to adduce additional evidence was also dismissed.

Briefly, the facts of the case are that the respondent-plaintiff brought a suit for recovery of ₹3,35,500/- mainly on the ground that on 8.8.2015, the defendant purchased pesticides worth ₹2,23,950/- on credit basis, against Bill No.16185 dated 8.8.2015, who had promised to pay interest @ 1.5% per month and total amount due against him is ₹3,35,500/-. The plaintiffs issued legal notice to the defendant, but the amount was not paid, therefore, on this cause of action, he prayed for a money decree.

The suit is being contested by the petitioner-defendant on various grounds including that the land owned by him is a small piece of agricultural land and may not require this much pesticides.

Learned counsel for the petitioner has argued that the suit was

filed in the year 2017 and the evidence of the defendant-petitioner commenced w.e.f. 11.1.2019 and till May, 2022, the case was fixed for said purpose on six dates and two witnesses were examined by him. He submits that when the evidence of the defendant was closed on 23.5.2022, witness Inderjit Singh was examined, however, as the other witness who is Sub Divisional Agricultural Officer, Agriculture Department, Mandi Dabwali was not present, his evidence was closed. He states that this witness is necessary to prove the stand of the defendant and though later on an application was moved for allowing him to examine by way of additional evidence, but the said prayer was also wrongly declined. He prays for only one opportunity to examine the said witness.

Heard.

Considering the limited prayer and the evidence sought to be adduced by the defendant-petitioner as well as the nature of suit brought by the plaintiff, this Court is not inclined to issue any notice to the plaintiff as it may cause extra burden on him. However, it shall be open for him to seek recalling of this order in case the defendant has concealed material facts from this Court.

After hearing the learned counsel and considering the above background, this Court is of the opinion that if, the defendant is provided an opportunity to examine this witness, no prejudice would be caused to the plaintiff as he shall be given an opportunity to rebut the evidence. Thus, the impugned order dated 23.5.2022 (Annexure P-3) is set aside and it is ordered that the defendant-petitioner be given one effective opportunity to examine the above noticed witness on his own responsibility. Since the

order dated 23.5.2022 (Annexure P-3) has been set aside, the correctness and validity of the other order dated 14.7.2022 (Annexure P-6) does not require any adjudication.

Petition is disposed of.

July 27, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No