

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

**CR-2939-2022**

**Date of decision : 04.08.2022**

**Sudhir Handa**

**...Petitioner**

**Vs.**

**Rajiv Gupta**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Arjun Sharma, Advocate for the petitioner.

**\*\*\***

**MANOJ BAJAJ, J.**

This revision petition has been filed under Article 227 Constitution of India for quashing the impugned order dated 19.07.2022 (Annexure P-4) passed by the Civil Judge, (Senior Division), Chandigarh, whereby trial Court closed the evidence of the petitioner (defendant).

Learned counsel submits that the petitioner (defendant) is contesting the suit for recovery filed by plaintiff/respondent and after framing of issues on 29.10.2021, the plaintiff's evidence commenced and it concluded on 11.03.2022, thereafter, the case was fixed for defendant's evidence on 04.04.2022. He submits that two witnesses have already examined, but vide impugned order dated 19.07.2022, the Court has proceeded to close his evidence on the ground that no reasonable ground for adjournment is explained. He submits that the petitioner only requires to prove the conversation between the parties, recorded on mobile phone and would need only one opportunity to conclude his evidence. He prays for setting aside the impugned order.

Heard.

In view of the limited relief prayed for by the petitioner/defendant, this Court is not inclined to issue notice to the respondent, as it may cause unnecessary burden upon him. However, it shall be open for him to seek recalling of this order, in case, he feels that the petitioner/defendant 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 the evidence sought to be adduced on behalf of the defendant 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 19.07.2022 (Annexure P-4) is set aside, and it is directed that one effective opportunity be given to the defendant to adduce his evidence either on the date fixed or on any other date to be fixed by the trial Court.

Disposed of.

(MANOJ BAJAJ)  
JUDGE

04.08.2022  
vanita

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |