

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

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**CR No. 3059 of 2022 (O&M)
Date of decision: 03.08.2022**

Poonam Bhatia

...Petitioner

Versus

Sagar Overseas through its Proprietor and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Premjit Singh Hundal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the orders dated 09.01.2020 and 16.05.2022, passed by the trial Court, vide which the evidence of the petitioner/defendant was closed by the Court order.

Learned counsel for the petitioner submits that the respondents/plaintiffs have filed a suit for recovery of amount, in which the evidence of the petitioner/defendant was closed by Court order. It is further submitted that after filing of the suit, the plaintiffs took two years to complete the evidence and it was closed on 30.04.2019 and thereafter, the case was fixed for defence evidence of the petitioner/defendant.

Learned counsel further submits that the evidence of the petitioner was closed by Court order on 09.01.2020 and thereafter, the case was adjourned for number of times due to COVID-19 situation and now the same has been fixed for 04.08.2022 for final arguments.

Learned counsel further submits that since the petitioner, who

is an agriculturist, has to produce two witnesses from the Market Committee, Amritsar with regard to certain transactions that the petitioner has not purchased the paddy crop from the respondents, rather it was purchased from some other agency, therefore, the said evidence goes to the root of the dispute and is very essential for the just and proper adjudication of the case and in case the petitioner is not granted one more effective opportunity to produce his entire evidence, it will cause great prejudice to his right of defence.

After hearing learned counsel for the petitioner, considering the fact that the suit is pending since 2018 and in the present petition, the only prayer is to grant one effective opportunity to the petitioner to conclude his evidence, the issuance of notice of motion is dispensed with at this stage, in order to avoid any further delay in disposal of the suit.

Accordingly, the present petition is allowed and the impugned orders are set aside.

The trial Court is directed to grant two effective opportunities to the petitioner/defendant to lead his entire evidence. The effective opportunity would mean a date, when the Presiding Officer is holding Court.

However, this will be subject to payment of costs of Rs. 3,000/-, to be paid to the respondents/plaintiffs.

Liberty is granted to the respondents/plaintiffs to revive the present petition, if so advised.

03.08.2022

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*