

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

116

CR No.3077 of 2022

Date of Decision : 18.08.2022

Mandip Singh @ Mandeep Singh

....Petitioner

VERSUS

Gurmeet Singh & Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Ishan Singh Cooner, Advocate for the respondents.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been filed challenging the impugned order dated 22.07.2022 passed by the Civil Judge (Sr. Division), Ambala whereby the evidence of the plaintiff-petitioner has been closed by order.

Learned counsel for the plaintiff-petitioner would contend that the evidence could not be led due to the onset of Covid-19 Pandemic as also due to the fact that the parties were exploring the possibility of a compromise. Learned counsel for the plaintiff-petitioner would further contend that only two witnesses remain to be cross-examined. Their affidavits in examination-in-chief have already been filed and they will be produced for cross-examination on the next date of hearing which is 22.08.2022.

Per contra, learned counsel for the defendant-respondents has contended that the plaintiff-petitioner has already availed 15 opportunities

and there was no ground for granting any further opportunity for leading his evidence.

I have heard learned counsel for the parties.

In the present case, numerous opportunities had been granted to the plaintiff-petitioner for leading his evidence. However, the fact remains that due to the onset of Covid-19 Pandemic the suit was adjourned for almost two years on various dates. Thereafter, the matter was adjourned on the request of learned counsel for both the parties for exploring the possibility of a compromise and the matter was referred to the Mediation and Conciliation Centre.

Keeping in view the fact that affidavits of PW-1 and PW-2 in examination-in-chief have already been filed and they only remain to be cross-examined and in order to do complete justice between the parties, I deem it appropriate to set aside the impugned order dated 22.07.2022. The plaintiff-petitioner is granted one effective opportunity to produce the witnesses (PW-1 and PW-2) for their cross-examination, subject to payment of Rs.30,000/- as costs to be paid to the defendant-respondents.

The civil revision petition is disposed off in the above terms.
Pending applications, if any, also stand disposed off.

18.08.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO