

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

Sr. No.107

CR No.3825 of 2022 (O&M)

Date of Decision: 23.11.2022

Rajinder Singh

.... Petitioner

Versus

Paramjit Lal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 06.08.2022 (Annexure P-1) whereby petitioner/plaintiff's evidence was ordered to be closed since the plaintiff failed to conclude his evidence despite availing numerous opportunities.

A perusal of the short orders placed on record shows that after resumption of regular Court proceedings once the Covid-19 pandemic was over, at least ten effective opportunities were afforded to the petitioner to lead evidence, which he failed to do. There is no explanation for his not coming to the Court for his own cross examination as well as leading his remaining evidence.

Learned counsel for the petitioner contends that one opportunity may be afforded to the petitioner as a last resort, else his suit itself, which has been filed for possession of land measuring 1 ½ marla situated in Village Dalla, HB No.43, Tehsil Dauya, District Hoshiarpur, will be dismissed.

Keeping in view the fact that in case the petitioner/plaintiff is not allowed to lead evidence, the suit itself would be liable to be dismissed for want of evidence. Therefore, in the interest of justice, it is deemed appropriate to afford one last opportunity to the petitioner/plaintiff to conclude his entire evidence on one date to be fixed by the trial Court for the purpose subject to payment of costs of Rs.25,000/- to the respondents/defendants.

Ordered accordingly.

The impugned order dated 06.08.2022 is, accordingly, set aside. No further opportunity shall be granted to the petitioner/plaintiff for the purpose.

Petition stands disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

23.11.2022
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No