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

CR No.3812 of 2022 (O&M)

Date of decision: 12.09.2022

Yogesh Malhotra

..... Petitioner

versus

Nissan Motor India Private Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Shiv Kumar Sharma, Advocate
for respondent No.9-UOI.

TRIBHUVAN DAHIYA J. (ORAL)

CM No.11658-CII of 2022

Allowed as prayed for.

CR No.3812 of 2022

Learned counsel for the petitioner-plaintiff submits that vide order dated 23.02.2022 (Annexure P-2), it was ordered by the trial Court that the petitioner-plaintiff will be granted only three effective opportunities to complete his evidence. The case was thereafter fixed for 16.03.2022 being first opportunity of the plaintiff to complete his entire evidence. On the date fixed, i.e., 16.03.2022, he could not produce any evidence and sought an adjournment. Accordingly, the second opportunity was granted to complete his evidence on 25.04.2022. On this date, the plaintiff was examined and he tendered affidavits (Exhibits P-1 to P-6) in evidence. The

documents were objected to on the ground of mode of proof. Last opportunity was granted to the plaintiff to complete his evidence on 07.07.2022 vide order dated 25.04.2022. On the next date, i.e., 07.07.2022, none of the plaintiff's witness appeared and were ordered to be summoned through bailable warrants of Rs.25,000/- for 22.07.2022. On this date, he sought one last opportunity to complete entire evidence on next date of hearing with permission to requisition the relevant record from the record room. On this request, one final opportunity was granted to complete his evidence on 18.08.2022. Plaintiff, PW-2, Yogesh Malhotra, tendered his affidavit in examination in chief, his cross examination was deferred on request of defendants's counsel. The case was adjourned to 29.08.2022 for his cross examination and his remaining evidence. 29.08.2022 was declared a holiday and the case was taken up on 30.08.2022, and the plaintiff's testamentary evidence was closed by order, since no fresh affidavit was filed by the plaintiff of any other witness. The case was ordered to be adjourned for 08.09.2022 for plaintiff's cross examination, as last opportunity.

2. Learned counsel for the petitioner further states that the petitioner-plaintiff may be afforded one last opportunity to conclude his entire evidence by producing the witnesses for which diet money has already been deposited.

3. Keeping in view the aforesaid facts, especially because, of the three effective opportunities granted to the petitioner-plaintiff, one could not be availed by him as the witnesses were ordered to be

produced by issuance ofailable warrants, this petition is allowed and the trial Court is directed to afford one opportunity to the petitioner-plaintiff to examine all the remaining witnesses on the next date of hearing fixed before the trial Court, subject to payment of cost of Rs.10,000/- to be deposited with District Legal Aid Services Authority, Jalandhar.

4. The petition stands disposed of in the above terms. It is made clear that no further opportunity shall be granted by the trial Court for this purpose.

(TRIBHUVAN DAHIYA)
JUDGE

12.09.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No