

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

122

CR-3918-2022 (O&M)
Date of decision: 16.09.2022

Ajaib Singh

.....Petitioner

Versus

Naresh Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. V.K. Sandhir, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside of the order dated 01.09.2022 passed by learned Additional Civil Judge (Sr. Divn.), Phul whereby evidence of the petitioner was closed by order in suit No.CS/53 of 2016 (Annexure P/1) titled as 'Ajaib Singh and others Vs. Naresh Kumar.

Learned counsel for the petitioner submits that the petitioner was leading his evidence and has already examined 4 PWs and only cross-examination of PW3 Pardeep Singh was pending, who tendered his affidavit on 05.05.2022. His cross-examination was partially done on 18.07.2022 and thereafter the Court vide order dated 24.08.2022 directed the petitioner to conclude the evidence on 01.09.2022 on which date the Court closed the evidence of the petitioner by order. It was the duty of the respondent to complete the cross-examination. A prayer has, therefore, been made that a compassionate and lenient view be taken and the petitioner may be granted one last effective opportunity to lead his evidence.

I have heard learned counsel and perused the relevant material on record.

If the petitioner is not granted one more opportunity to lead their evidence, he would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner to lead his evidence.

In the wake of the above, without issuing notice to the respondents, to avoid any further delay as well as expenses which the respondents shall have to incur to defend these proceedings, the impugned order dated 01.09.2022, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to lead his evidence.
2. In the event of default by the petitioner, the case shall not be adjourned any further for leading his evidence and consequently his evidence shall be deemed to be closed by order.
3. This, however, shall be subject to payment of costs in the sum of Rs.10,000/- to be paid to respondents No.1 to 4 which shall be a condition precedent.

16.09.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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