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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.4194-2022 (O&M)
Date of Decision:28.09.2022

Ashok

.. Petitioner

Vs.

Ranbir

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saajan Singla, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this revision petitioner under Article 227 Constitution of India for setting aside the order dated 05.09.2022 passed in Civil Suit No.739-2017 by Civil Judge (Sr. Divn.), Sonipat, whereby his evidence was closed by the Court order.

Learned counsel for the petitioner has argued that only two witnesses were examined on behalf of the plaintiff and their cross-examination is yet to be concluded, but the trial Court vide impugned order dated 05.09.2022 proceeded to close the evidence of the plaintiff. He submits that in case, only one opportunity is granted to the plaintiff to complete the examination of these two witnesses, no prejudice would be caused to the other side. He further states that no other witness is to be examined by the plaintiff. According to him, the case is now coming up on 10.10.2022 before the Addl. Civil Judge (Sr. Divn.), Sonipat for recording the defendant's evidence and the plaintiff undertakes to produce PW-1 and PW-2 before the trial Court for their cross-examination on the said date.

Heard.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondent, as it may cause unnecessary burden upon him and the nature of order would not cause any prejudice to him. However, it is made clear that in case, the respondent feels that the petitioner has not approached this Court with clean hands, it shall be open for him to seek recalling of this order.

Consequently, considering the nature of litigation between the parties, this Court deems it appropriate to afford one more opportunity to the petitioner to conclude the evidence by producing PW-1 and PW-2 before the trial Court for their cross-examination.

With the above observation, the impugned order dated 05.09.2022 (Annexure P-4) is set aside and the revision petition is allowed. The petitioner is granted only one opportunity to conclude his evidence on the next date of hearing fixed before the trial Court i.e. 10.10.2022.

28.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No