

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

CR-4415-2022

Date of decision : 11.11.2022

Kamaljit and others

...Petitioners

Vs.

Sudesh Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sandeep Bansal, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners (defendants) are aggrieved against the order dated 21.09.2022 (Annexure P-5) passed in their Civil Suit No.968-2017 for declaration, whereby the Civil Judge (Junior Division), Hoshiarpur, has allowed the review application filed by plaintiff seeking further opportunity to lead his evidence.

Learned counsel has argued that despite 26 effective opportunities given to the plaintiff for adducing evidence, the needful was not done, therefore, vide order dated 07.04.2022, the Court by its order closed the evidence of the plaintiff. He submits that subsequently, the review application was filed by plaintiff along with the application for condonation of delay and the same has been allowed vide impugned order dated 21.09.2022 (Annexure P-5). He submits that the trial Court has erroneously exercised the jurisdiction in again opening the evidence of the plaintiff, therefore, the interference is warranted by this Court.

During the course of hearing, it is not disputed by learned counsel that the plaintiff had tendered affidavit in examination-in-chief on 13.09.2021 and on the said date, the cross-examination of plaintiff was deferred to

12.10.2021 on the request of the defendant.

After hearing learned counsel and analyzing the impugned order, this Court finds that the Court has examined the background of the case carefully while recalling the order dated 07.04.2022. The impugned order dated 21.09.2022 does not suffer from any illegality and impropriety, therefore, no interference is called for.

Resultantly, revision petition is dismissed.

11.11.2022

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No