

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

Sr. No.124

CR No.4723 of 2022

Date of Decision: 27.10.2022

Gurbeer Singh

.... Petitioner

Versus

Rajwinder Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Suneet Pal Singh Aulakh, 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 09.09.2022 (Annexure P-5) whereby the trial Court has closed petitioner/plaintiff's evidence by order.

2. Learned counsel contends that the reasons assigned by trial Court in closing the petitioner/plaintiff's evidence are wrong. On many of the dates mentioned in the impugned order though the case was fixed for plaintiff's evidence, despite the witnesses being present the same were not cross examined by the defendants and the trial was adjourned on their request. The short/zimini orders have been placed on record as Annexures P-3 and P-4 and a perusal thereof shows that on 11.05.2022, plaintiff's witnesses were present and could not be examined due to non availability of counsel for the defendants. The witnesses were bound down for 08.07.2022, when lawyers were abstaining from work in trial Court and accordingly, witnesses were bound down for 27.07.2022. On 27.07.2022, PW-1 and PW-2 were cross-examined and the case was adjourned to 17.08.2022 for the remaining evidence and for cross-examination of PW-3.

On 17.08.2022, trial was adjourned on account of non availability of plaintiff's counsel. It is, therefore, apparent from the record that on many occasions, the trial was adjourned on account of non availability or on request for adjournment having been made by defendants, for which the petitioner/plaintiff can not be faulted.

3. In view of the aforesaid and in the interests of justice, the impugned order dated 09.09.2022 (Annexure P-5) passed by trial Court closing the plaintiff's evidence is set aside and he is afforded one last opportunity to lead his evidence on the next date fixed before the trial Court, i.e., 31.10.2022, subject to payment of Rs.15,000/-(Rs. Fifteen Thousand only) as costs to the defendants.

4. No further opportunity for the purpose shall be granted.

(TRIBHUVAN DAHIYA)
JUDGE

27.10.2022
Maninder

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