

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

CR No. 5171 of 2022

DATE OF DECISION :- December 20, 2022

Harjinder Singh and another

...Petitioners

Versus

Arun Kumar Dhir (since deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Tanisha, Advocate for
Mr. K.S. Brar, Advocate for the petitioners.

Mr. Prem Singh Bhangu, Advocate has filed vakalatnama for respondents No. 1(i), 1(iii) and 2, which be taken on record.

The revision petitioners, who are plaintiffs in the civil suit filed by them against Arun Kumar Dhir and others pending in the Court of Civil Judge, Junior Division, Sultanpur Lodhi are feeling aggrieved by order dated 10.10.2022 vide which evidence of the plaintiff has been closed by order. That order has been challenged by the plaintiffs by way of filing the present revision petition, notice of which was given to respondents defendants, who have appeared through counsel.

I have heard learned counsel for the petitioners and learned counsel for respondents No. 1(i), 1(iii) and 2 besides going through the record.

Certainly no fault can be found with the impugned order since as it is mentioned therein the case pertains to Action Plan Category and statement of the plaintiff had already been recorded on 8.8.2022 and he was

given a last opportunity to bring his evidence and get PW5 Jasbir Singh cross-examined in the Court, which he did not do.

However, I feel that interest of justice demands that doors of evidence should not be closed on any of the contestant and full and complete opportunity should be given to them to produce their evidence.

Under the circumstances, in the interest of justice, the order closing the evidence of plaintiff is set aside by way of acceptance of revision petition and plaintiffs are given one opportunity to conclude their remaining evidence including causing appearance of PW5 Jasbir Singh for cross-examination subject to payment of Rs.10,000/- as costs. The plaintiffs shall bring a demand draft in the sum of Rs.10,000/- in the name of Kamal Dhir, widow of Arun Kumar Dhir which be handed over to her/counsel for defendants in the Court and only then they shall be allowed to adduce remaining evidence and get PW5 Jasbir Singh cross-examined. It shall be the responsibility of the plaintiffs to adduce all evidence and cause appearance of PW5 Jasbir Singh in the Court and no further opportunity shall be given for the purpose in any case.

The revision petition is allowed accordingly.

**(H.S. MADAAN)
JUDGE**

December 20, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No