

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

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CR No.5697 of 2022 (O&M)

Date of Decision: 05.12.2022

Jagdish Singh

.....Petitioner

Versus

Karamjit Singh and others

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Kanwar Pahul Singh, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the present petition, the petitioner-defendant No.2 (for short 'defendant No.2') has assailed the order dated 18.11.2022 passed by learned Additional Civil Judge (Senior Division), Ajnala (for short, 'the trial Court') in Civil Suit No.641 of 2017 titled as ***Karamjit Singh Vs. Gurnam Singh etc***, whereby the evidence of the defendants has been closed.

2. I have heard learned counsel for the petitioner-defendant No.2, at the preliminary stage, in the instant revision petition and have also perused the file carefully.

3. A perusal of the orders Annexures P-1 to P-9, as passed by the trial Court, reveals that the evidence on behalf of respondent No.1-plaintiff (for short 'the plaintiff') had been closed on 29.08.2022 and thereafter, the defendants were afforded nine opportunities to conclude their evidence but on 26.09.2022, the Bar Association had observed 'No Work Day' and on 07.10.2022, one DW was present and his examination-in-chief was recorded and on 01.11.2022, the examination-in-chief of DW-2 had also been recorded

and on both the occasions, the cross-examination of the said witnesses had been deferred at the request of learned counsel for the plaintiff. Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if defendant No.2 is afforded one more opportunity for concluding his evidence but subject to payment of cost.

4. Resultantly, without issuing notice to respondent No.1-plaintiff so as to avoid any further delay in the matter and also to avert the expenses that he (plaintiff) may have to incur to defend in the present petition, the impugned order dated 18.11.2022 is hereby set-aside to the extent as discussed in the preceding paragraph and the revision petition in hand stands disposed of accordingly with a direction to the trial Court to afford only one effective opportunity to defendant No.2 to conclude his evidence but the payment of the cost of Rs.15,000/- shall be a condition precedent for doing so and in the eventuality of the default on his (defendant No.2's) part in so concluding his evidence or in the payment of the cost, he shall not be entitled to any further opportunity for the said purpose.

5. However, it is further clarified that in case respondent No.1-plaintiff feels aggrieved by this order, he shall be at liberty to move an appropriate application to contest the instant petition.

December 05, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No