

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 109

Civil Revision No.5894 of 2022
Date of Decision: December 14, 2022

Ramesh Kumar

..... APPELLANT(S)

VERSUS

Manohar Lal

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Manuj Nagrath, 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 29.11.2022 (Annexure P-9) passed by the trial Court whereby the petitioner–defendant’s evidence has been closed by order.

2. Learned counsel for the petitioner-defendant contends that defendant’s evidence was going on before the trial Court, he had already examined DW-1 and DW-3. The other witness Ramesh Kumar, DW-2, also testified before the trial Court, but his cross-examination was deferred on 31.10.2022 as the counsel for the plaintiff wanted to summon the records. He further contends that the said witness Ramesh Kumar, DW-2, could not come for his cross-examination subsequently, on account of his son’s marriage, as apparent from the marriage programme placed on record as Annexure P-10.

3. The only witness on behalf of the petitioner-defendant that remains to be examined is DW-2, who too has been partially cross-examined, and the reason for his not being present for cross-examination has also been explained. In case the defendant's evidence is closed by order, at this stage, grave prejudice will be caused to him.

4. In view thereof, the impugned order dated 29.11.2022 is set aside to the extent defendant's evidence has been closed therein, and he is granted last opportunity to complete the evidence by presenting himself before the trial Court for his remaining cross examination on the date fixed, i.e., 15.12.2022, subject to payment of costs of ₹ 5,000/- to the plaintiff. It is made clear that no further opportunity shall be granted for the purpose.

5. Disposed of.

(Tribhuvan Dahiya)
Judge

December 14, 2022

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No