

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

113

Civil Revision No. 481 of 2023

Date of decision :-01.02.2023

Gurmeet Singh

.....Petitioner

Versus

Chirag Baghla and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sumeet Puri, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this Revision Petition is for setting aside order dated 09.01.2023 (Annexure P-1) passed by the learned Additional Sessions Judge, Sangrur vide which the evidence of the plaintiff-petitioner has been closed by order.

Learned counsel for the petitioner submits that the trial Court closed the evidence of the plaintiff on 09.01.2023 despite the fact that the concerned doctors of Amar Hospital, Patiala as well as concerned Clerk were called on that date to appear and even the plaintiff had already deposited their diet money on 02.01.2023 but the said witnesses could not appear for the reasons best known to them. Learned counsel further submits that the plaintiff, who suffered 70% disability on his body due to the accident, was not at fault in the said circumstances and he would suffer irreparable loss if the impugned order dated 09.01.2023 is not set aside. Learned counsel has referred to Annexure P-3, the Unique Disability ID issued to the petitioner. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner to complete his evidence, as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioner, this petition is allowed and impugned order dated 09.01.2023 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to complete his evidence, however subject to payment of Rs.2500/- as costs to the defendants-respondents.

Disposed of as above. Pending application, if any, also stands disposed of.

February 01, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No