

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

116

Civil Revision No. 1592 of 2023

Date of decision :-15.03.2023

Nishabar Singh

.....Petitioner

Versus

Paramjeet Singh and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajinder Goel, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

1. Prayer in this Revision Petition is for setting aside order dated 01.02.2023 passed by learned Civil Judge (Jr. Divn.), Guhla, District Kaithal in Civil Suit No.101 of 2018, titled as “Paramjeet Singh and another vs. Nishabar Singh and others” vide which the evidence of the defendants was closed by Court order.

2. Learned counsel for the petitioner submits that the trial Court had granted many opportunities to the plaintiffs to lead the entire evidence and the plaintiffs took more than two years and one month from 18.10.2019 to 23.11.2021 to conclude their affirmative evidence. Learned counsel has further submitted that on 14.10.2022, the application moved by the defendants was allowed and the case was adjourned to 10.11.2022 for recording the evidence of

defendants. On 10.11.2022, no evidence of defendants was present and the matter was adjourned to 23.11.2022 for DWs. Thereafter, on 23.11.2022, Sahab Singh as DW1 was present. His examination-in-chief was recorded and cross-examination was deferred as the Court time was over and the case was adjourned to 01.12.2022 for remaining evidence of defendants. He has further submitted that the case was adjourned to 19.12.2022, 17.1.2023, 23.1.2023, 31.1.2023 and 01.2.2023 and in between three defendants' witnesses have been examined and on 01.2.2023 the evidence of the defendants was closed by Court order. It is further submitted that the defendants want to examine an expert witness to compare the disputed thumb impressions/signatures of late Swaran Singh appearing on the agreement to sell dated 19.11.1990 and other endorsements as well as the entire relevant witnesses.

3. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner/defendants to complete their evidence, as grave injustice will be caused to them if they are not permitted to do so.

4. After hearing learned counsel for the petitioner, issuance of notice 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 01.02.2023 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner/defendant No.1(b) to complete the evidence.

Disposed of as above.

Pending application, if any, also stands disposed of.

March 15, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No