

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

205

CR-1770-2020

Date of Decision :31.01.2023

Sushma Rani

...Petitioner

Versus

Ranjit Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Raman Mohinder Sharma, Advocate for the petitioner.

Mr. Mohit Jaggi, Advocate for respondent No.1.

Mr. Ram Kumar Chauhan, Advocate for respondent No.2.

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**Harsimran Singh Sethi, J. (Oral)**

Present petition has been filed challenging order dated 17.01.2020 (Annexure P/4) passed by the trial Court by which, the evidence of the petitioner/defendant No.2 was closed whereas one opportunity was given to defendant No.1 to produce the entire evidence.

Learned counsel for the petitioner/defendant No.2 argues that though, the case was adjourned for the evidence of the defendants but it was not clear in the order as to whether defendant No.1 or defendant No.2 was required to produce the evidence and due to the said misunderstanding, both defendant No.1 and defendant No.2 could not produce the evidence within the opportunity granted hence, defendants No.1 and 2 be given two opportunities each to lead their entire evidence.

Learned counsel for defendant No.1, who has been arrayed as

respondent No.2 in the petition, does not oppose the said prayer.

Learned counsel for respondent No.1/plaintiff submits that once sufficient opportunities have already been granted to the defendants to produce their evidence, there is no justification to grant them another opportunity to lead their evidence as the same will delay the proceedings.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, from the zimni orders, it transpires that five opportunities were given to the defendants to produce their evidence but the evidence was not produced. Even by the impugned order dated 17.01.2020, the defence of defendant No.2 had been closed but defendant No.1 was still given another opportunity to lead the evidence. Once, there was some confusion in understanding the order, in the interest of justice, defendants need to be given two opportunities each to lead their entire evidence.

As far as the objection of respondent No.1/plaintiff that sufficient opportunities have already been given to the defendants to lead their evidence, it has already come on record that respondent No.1/plaintiff himself had availed 43 opportunities to lead his evidence hence, he should not object for the grant of 02 opportunities each to the defendants to lead their evidence.

Keeping in view the above, order dated 17.01.2020 (Annexure P/4) is set aside with the clear indication that two opportunities each to the defendant No.1 and defendant No.2 to lead their evidence will be given starting from the next date of hearing fixed before the trial Court. Learned counsel for defendants No.1 and 2 undertake that in case defendants fail to avail those two opportunities, they will not avail another opportunity to lead

their evidence.

Present petition stands allowed in above terms.

January 31, 2023  
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(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No