

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1838-2023

Date of Decision :10.04.2023

Shivdeep Singh ...Petitioner

Versus

Hardevinder Singh and anotherRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Gurmeet Singh Saini, Advocate for the petitioner.
Mr. Rahul Arora, Advocate for the respondents.

B.S. Walia, J. (Oral)

[1] Learned counsel for the respondents has filed power of attorney in Court today. The same is taken on record.

[2] Prayer in the instant petition is for setting aside order, Annexure P/24 dated 01.12.2022 passed by the learned Additional Civil Judge (Senior Division), Ferozepur in case bearing registration No.CM/15/2021 in case titled as Shivdeep Singh vs. Hardevinder Singh etc. whereby the evidence of the petitioner was closed by order.

[3] Learned counsel for the petitioner contends that the petitioner is the plaintiff and that although issues in the case were framed on 11.11.2021 and number of opportunities were granted to the petitioner/plaintiff to conclude his evidence but the same could not be concluded on account of circumstances prevailing due to the corona virus pandemic and in case one opportunity is not granted on such terms as to costs or otherwise, as deemed appropriate by this Court, grave prejudice would be caused to the petitioner/plaintiff.

CR-1838-2023 [2]

[4] Learned counsel for the respondents does not seriously oppose the request for grant of one opportunity so as to enable the petitioner/plaintiff to conclude evidence subject to payment of costs and restricting the grant of opportunity to one effective opportunity.

[5] Accordingly, in view of the position noted above as well as in the interest of justice, impugned order Annexure P/24 dated 01.12.2022 passed by the learned Additional Civil Judge (Senior Division), Ferozepur is set aside to the extent of closing the evidence of the petitioner/plaintiff. The learned trial Court is requested to grant one effective opportunity to the petitioner/plaintiff to conclude his entire evidence on said date subject to payment of costs of Rs.15,000/- in total to the respondents in equal share. Parties are directed to put in appearance before the learned trial Court on the adjourned date i.e. 19.04.2023 whereafter the learned trial Court will grant one opportunity to the petitioner/plaintiff to conclude his entire evidence.

[6] Disposed of in the aforementioned terms.

(B.S. Walia)
Judge

10.04.2023
'Amit'

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