

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3153 of 2019****Date of Decision: 13.10.2023**

Sawinder Singh

... Petitioner(s)

Versus

Sukhwinder Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Atul Aggarwal, Advocate
for the petitioner(s).Mr. Gagandeep Singh Sirphikhi, Advocate
for the respondent No.1.**Anil Kshetarpal, J.**

1. The petitioner before this Court is one of the plaintiffs in a pending suit. He prays for granting an opportunity to produce his entire evidence. The attention of the Court has been drawn to the order dated 19.04.2019, passed by the trial Court wherein Amandeep Kaur, Record Clerk, Fatehgarh Churian, undertook to produce the relevant record on the next date of hearing. She was bound down for 06.05.2019. However, on 06.05.2019, Amandeep Kaur did not appear, but the Court ordered closure of the plaintiffs' evidence.

2. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper book.

3. In a civil litigation, the parties are required to be granted sufficient opportunity to lead evidence in order to prove their case. In this

case, the civil suit was filed in the year 2018. After the parties filed their

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pleadings, the case was fixed for the plaintiffs' evidence. The plaintiffs summoned Amandeep Kaur, Record Clerk, Fatehgarh Churian. She entered appearance in the Court on 19.04.2019, however, without any relevant record. The Court bound her down for appearance on 06.05.2019. In such circumstances, the Court should have ensured that Amandeep Kaur produces the relevant record as summoned by the plaintiffs.

4. Keeping in view the aforesaid facts, the present revision petition is allowed. The impugned order dated 06.05.2019, is modified. The plaintiff shall have one opportunity to lead his entire evidence, subject to the payment of cost of ₹2,000/- to the defendant.

(Anil Kshetarpal)
Judge

October 13, 2023

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No