

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

(115)

CR-2932-2023

Date of Decision : May 11, 2023

Joginder Singh**.. Petitioner****Versus****Raj Kumar and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Parminder Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present civil revision petition has been filed challenging the order dated 19.04.2023 (Annexure P-3) by which, the evidence of the petitioner has been closed on the ground that enough opportunities have already been given.

2. Learned counsel for the petitioner submits that only two official witnesses were required to be examined, who were not present on the day when the impugned order was passed but in case one opportunity is granted to produce those witnesses before the Court so as to be examined, the petitioner will be satisfied, even if the said opportunity is to be granted by imposition of cost so as to compensate the respondents-defendants for the delay caused.

3. Keeping in view the facts and circumstances of the present case, learned counsel for the petitioner submits that as the defendants' evidence has not started yet and the next date of hearing is 17.05.2023 coupled with the settled principle of law that all the efforts should be made to decide the lis between the parties on merits by giving them due opportunity to present their case, one opportunity is granted to the petitioner to produce all the evidence which he wants to produce on the next date of hearing i.e. 17.05.2023. Ensuring the presence of the witnesses will be the responsibility of the petitioner himself. It is further made clear that in case the said opportunity is not availed by the petitioner under any circumstances, no further opportunity will be given.

4. Keeping in view the undertaking given by the learned counsel for the petitioner, one more opportunity is granted subject to the payment of Rs.10,000/- as cost which will be paid by the petitioner to the respondents-defendants on the next date of hearing before examination of the witnesses so as to compensate the respondents-defendants for the delay caused.

5. The present civil revision petition is allowed in above terms.

May 11, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No