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

CR-3167-2023 (O&M)

Date of Decision: 22.05.2023

Shri Shri Gaur Radha Krishan Dharmarth Trust

....Petitioner

Versus

Satnam Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 24.04.2023 passed by Ld. Civil Judge (Jr. Divn.), Amritsar, whereby the evidence of petitioner/defendant No.2 has been closed.

2. Succinct facts first, as pleaded in the instant petition.

2.1. Respondent No.1/plaintiff have filed a suit against respondents No.2 & 3/defendants No.1 & 2 for declaration to the effect that plaintiff is the owner in possession of the property in question against respondents No.2 & 3/defendants No.1 & 2.

2.2. On completion of pleadings, issues were framed vide order dated 10.07.2018 and the case was fixed for plaintiff's evidence. Plaintiff after availing 73 opportunities concluded his evidence which was closed vide order dated 04.11.2022. Thereafter, matter was adjourned to 09.11.2022 for defendants evidence. However, vide impugned order dated 24.04.2023, Ld. Trial Court closed the evidence of petitioner/defendant No.2.

3. Learned counsel for petitioner contends that on one hand the plaintiff was given as many as 73 opportunities spread over more than 3 ½ years to conclude his evidence, while the petitioner has been meted out rather an unfair treatment inasmuch as his evidence has been closed in a short span of 6 months by granting only 9 opportunities, that too by giving short adjournments each time.

4. Considering the nature, facts and circumstances of the case, issuance of notice to respondents/defendants is dispensed with, at this stage.

5. I have heard learned counsel for petitioner and have perused the case file carefully.

6. In the peculiar circumstances of the case, as is borne out from the proceedings of Ld. Trial Court, the instant petition is allowed. Impugned order is set aside. Ld. Trial Court shall grant three effective opportunities to petitioner/defendant No.2 to adduce its evidence subject to payment of costs of Rs.10,000/- payable to plaintiff. However, it is the discretion of Ld. Trial Court to give further opportunities for the said purpose depending upon exigencies of work.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 22, 2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No