

required by the present petitioner for concluding his evidence.

4. I have considered the submissions made by learned counsel for the petitioner.

5. Since the decision of the present petition shall not affect the rights of the respondent, notice is not being issued.

6. On 22.05.2023, the Civil Judge (Junior Division), Chandigarh passed the following order:-

“Today summoned witness namely Sh. Gurpreet Singh, Manager of M/s Bhatia Gas Agency, Chandigarh has appeared and suffered a statement that he has brought summoned record and placing on record the photo copies, which has been taken from the original lying with them, of the summoned record. Today no RW is present or examined today. Even RW1 Joginder Lal has also not appeared for cross-examination despite last opportunity. Perusal of the case file reveals that evidence of respondent is pending since 28.07.2022 and RW1 Joginder Lal wa partly cross-examined vide order dated 27.01.2023. His further cross-examination has not been concluded till date. Respondent has availed many numerous opportunities but failed to conclude its evidence till date. Only one witness party cross-examined till date. Hence fining no justification to adjourn the case for remaining evidence of respondent. Hence the same is close by Court order. Now, case is adjourned to 14.07.2023 for rebuttal evidence as well as for arguments.”

7. There is no illegality in the order. However, the learned trial Court could have granted one more date for conclusion of the evidence. Be that as it may, keeping in view the statement given by learned counsel for the petitioner that he requires only one effective opportunity to conclude his

evidence and that no other witness apart from Joginder Lal has to be examined, I deem it appropriate to grant one opportunity to the petitioner for the same.

In view of the above, the present revision petition is allowed and the order dated 22.05.2023 is set aside. The trial Court is directed to grant one effective opportunity to the petitioner to conclude his evidence by fully examining RW1-Joginder Lal and also by tendering documents as per law. The date for leading and concluding the said evidence shall be as per the convenience of the trial Court and shall be subject to payment of ₹5,000/- costs to the respondent.

24.07.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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