

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

**Civil Revision No. 4082 of 2023(O&M)
Date of Decision: 24.07.2023**

Ravinder Kumar

...Petitioner

Versus

Narinder Kumar

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. V.K. Sandhir, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by petitioner/plaintiff for setting aside the impugned order dated 25.05.2023 passed by the Court of learned Civil Judge(Jr.Divn.), Amritsar whereby the evidence of petitioner has been closed by order in Civil Suit No. CS/6314 of 2018, titled as Ravinder Kumar Vs. Narinder Kumar.

2. The counsel for the petitioner submits that sincere efforts were being made by the petitioner to conclude his evidence by availing three opportunities as per statutory provisions. However, the petitioner was unable to complete his evidence within the stipulated period and the reason for the same is that the counsel for defendant took 2/3 dates to conclude cross examination of PW1. The counsel for the petitioner further submits that there is no intention on the part of the petitioner to delay the proceedings. So, prayer is made that one more opportunity be granted to the petitioner to produce his entire remaining evidence.

3. I have considered the submissions made by counsel for the petitioner.

4. The provision of Order 18 Rule 17-A CPC was deleted w.e.f. 01.07.2002. The purpose of deletion of said provision is to expedite trial of the case. However, even after deletion of said provision, the Court in exercise of power conferred under Section 151 CPC can allow any party to lead evidence even at a later stage, if it is necessary in the interest of justice. In this context, reference is made to decision of Hon'ble Supreme Court in **Salem Advocate Bar Association Tamil Nadu Vs. Union of India, 2005 (6) SCC 344**, wherein it has been held that inspite deletion of provision of Order 18 Rule 17-A CPC, the right to produce evidence at a later stage by way of additional evidence is not taken away, as the Court has always inherent power to exercise jurisdiction for advancement of justice in terms of provisions under Section 151 CPC.

5. In the instant case, it appears that there is no deliberate neglect or inaction on the part of the petitioner to conclude his evidence. In the given circumstances, interest of justice would be served if a final opportunity is given to the petitioner to conclude his evidence by examining the unexamined witnesses. But the same will be subject to payment of costs.

6. Accordingly, the impugned order is set aside and one last opportunity is granted to the petitioner to conclude his evidence subject to payment of costs of Rs.7000/- to be paid to opposite party on the next date fixed before the trial Court. Keeping in view the circumstances mentioned above, this petition is being disposed of without issuing any notice to the opposite party. If respondent is summoned to contest this litigation, he will

have to incur huge expenses to defend this case. However, liberty is granted to the respondent that if he feels dissatisfied with this order, he may move an application to recall the same.

24.07.2023
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No