

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

Civil Revision No. 4292 of 2023(O&M)

Date of Decision: 01.08.2023

Hari Kishan

...Petitioner

Versus

M/s Guru Nanak Trading Company & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Sandeep Punchhi, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. This revision petition has been filed by petitioner/ plaintiff for setting aside order dated 05.07.2023 vide which the evidence of the petitioner has been closed by order by the Court of Civil Judge (Jr.Divn.), Sirsa in a civil suit Hari Kishan Vs. M/s Guru Nanak Trading Company.

2. The counsel for the petitioner submits that sincere efforts were made by the petitioner to conclude his evidence and petitioner was granted four opportunities for that purpose but due to some unavoidable circumstances the petitioner failed to produce his remaining evidence on 05.07.2023 and consequently, the impugned order was passed. It is further submitted that there is no intention on the part of the petitioner to delay the proceedings. So, prayer is made that one last 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, with the purpose to expedite trial of the case. However, even

after the deletion of said statutory provision, there is inherent power with the Court under Section 151 CPC to allow any party to adduce evidence even at a later stage, if it is required in the interest of justice. Even the Hon'ble Supreme Court in **Salem Advocate Bar Association, Tamil Nadu, Vs. Union of India 2005(6) SCC 344** has held that inspite deletion of provision of Order 18 Rule 17-A CPC, the Court has always inherent powers to exercise jurisdiction for advancement of justice in terms of provisions under Section 151 CPC.

5. In the present case, it is apparent that there was no deliberate neglect on the part of the petitioner to complete his evidence. In the given circumstances, prejudice will be caused to him if another opportunity is not provided to the petitioner to conclude his evidence. The interest of justice would also be served if final opportunity is given to the petitioner to complete his evidence. 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.7500/- to be paid to the opposite party on the next date fixed before the trial Court.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

01.08.2023

Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No