

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

133

CR-4980-2023 (O&M)
Date of Decision : 11.09.2023

Ram Asra (now deceased) through his LR'sPetitioners

Versus

Gyan Deep and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ashok Kumar Bazaz, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

CM-16519-CII-2023

Prayer in the instant application filed under Section 151 of CPC is for placing on record the zimni orders passed by the trial Court as Annexure P-5.

Allowed as prayed for subject to all just exceptions.

CR-4980-2023

1. The challenge in the present revision petition is to the order dated 04.07.2023 (Annexure P-4) passed by learned Civil Judge (Junior Division), Jalandhar in Civil Suit No.96 of 2015 tilted as 'Gyan Deep Vs. Ram Asra through his LR's and others' whereby the evidence of the petitioner/defendant has been closed by order by recording that the case has been fixed for defendant evidence since 07.01.2020 and despite grant of several opportunities, the defendant has failed to conclude the evidence.

2. Learned counsel for the petitioner, inter alia, contends that regular proceedings in the trial Court could not be held due to Covid-19

pandemic for the period from 19.03.2020 to 22.01.2021; 04.05.2021 to 20.09.2021 and 14.12.2021 to 08.02.2022 and most of the time the case has been adjourned on the request of the counsel for the plaintiff. He submits that out of total 11 defendant’s witnesses, 09 have already been examined, one given up and only one remains to be examined. He submits that the said witness would be examined within a period of 01 month.

3. I have heard learned counsel for the petitioner and perused the relevant documents.

4. Keeping in view the facts and circumstances of the present case, the order dated 04.07.2023 is modified and two opportunities are granted to the petitioner/defendant No.1 to conclude his defence evidence within a period of one month from today by the Trial Court on the dates fixed by it.

5. Keeping in view the relief claimed in the present petition, this Court is not inclined to issue notice to the respondents to avoid unnecessary expenditure which they will incur for their appearance and to engage a counsel.

6. Needless to say that the respondents would be at liberty for recalling of this order by moving an appropriate application, if so aggrieved.

11.09.2023

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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No