

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

**CR-2867 of 2021(O&M)
Date of Decision: 20.07.2023**

Daya Ram & Ors.

...Petitioners

Versus

Gajraj & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Rajeev Sharma, Advocate
For the petitioners.**

None for respondents.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner/ plaintiff against the order dated 04.08.2021 (Annexure P-5) whereby the evidence of the petitioner/ plaintiff has been closed by order in a civil suit titled Daya Ram & Ors. Vs. Gajraj & Ors. by the Court of Civil Judge(Jr.Divn.), Faridabad.

2. The counsel for the petitioners submits that petitioners/ plaintiffs filed civil suit for permanent injunction and declaration against the respondents and on completion of pleadings, issues were framed and the suit was fixed for plaintiffs' evidence. That vide order dated 23.01.2020 last opportunity was granted to the petitioners to conclude their evidence and thereafter on account of spread of corona virus, the Courts started working in a restricted manner and as such the petitioners failed to comply with the undertaking given by their counsel dated 23.01.2020 whereby last opportunity was granted to the petitioners to lead their evidence. The

counsel for the petitioners further submits that finally the evidence of the petitioners was closed by order by the learned trial Court vide impugned order (Annexure P-5), without taking into consideration the fact that during the interregnum period the courts were not fully operational due to covid pandemic. So prayer is made that one effective opportunity be given to the petitioners to conclude their evidence.

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

4. In the given circumstances of the case, as has been detailed above by the counsel for petitioners, to impart complete justice to the parties, it would be appropriate if adequate opportunity is provided to the petitioners to conclude their evidence. Accordingly, the impugned order 04.08.2021(Annexure P-5) is set aside and trial Court is directed to provide one effective opportunity to the petitioners/ plaintiffs to examine their remaining witnesses subject to cost of Rs.5000/- which is to be paid by the petitioners to the defendants on the next date of hearing fixed before the trial Court.

5. However, liberty is granted to the respondents that if they feel dissatisfied with this order, they may move appropriate application to recall the same.

6. Petition stands allowed accordingly.

(KARAMJIT SINGH)
JUDGE

20.07.2023
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No