

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4915-2023

Date of Decision: 19.9.2023

Rajinder Parshad Garg

....Petitioner

VERSUS

Punjab State Power Corporation Limited and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Bhavpreet Singh Dhatt, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

Present civil revision petition under Article 227 of the Constitution of India has been filed by the petitioner/plaintiff for setting aside of order dated 7.8.2023 (Annexure P-1) passed by the Court of Additional Civil Judge, Senior Division, Patiala in Civil Suit No.807 of 2017 titled Rajinder Parshad Garg v. Punjab State Power Corporation Limited and others.

2. Counsel for the petitioner, while challenging the impugned order, *inter alia* contended that the petitioner filed suit for declaration that order dated 5.5.2011 issued by Deputy Chief Engineer (Operation) Division Bathinda and order No.458 dated 18.7.2013 and Order No.505 dated 26.8.2013 passed by Superintending Engineer exercising powers of Chief Engineer (Operation Circle) Division (West), PSPCL and orders dated 16.10.2014 and 13.11.2014 passed by the appellate authority are illegal, null and void with consequential benefits.

3. Counsel for the petitioner further submits that the suit was contested by the respondents who filed written statement and thereafter, issues were framed and the petitioner led his evidence. Then the case was fixed for evidence of the respondents and the respondents availed number of opportunities to adduce evidence and finally, the counsel for the respondents closed his evidence vide statement dated 31.10.2022 and then the case was fixed for rebuttal evidence, if any, and otherwise for arguments; that subsequently, the respondents filed an application, on which, the learned trial Court passed impugned order (Annexure P-1) and granted permission to the respondents to lead their evidence. Counsel for the petitioner further submits that the said order is totally illegal and deserves to be set aside.

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

5. From the perusal of the documents available on the file, it appears that after framing the issues, the case was fixed for evidence of the petitioner and the petitioner himself was examined-in-chief as PW1 and when his cross-examination was still pending, counsel for the plaintiff closed his evidence on 19.4.2022. Thereafter, the case was fixed for evidence of the respondents and the counsel for the respondents closed his evidence on 31.10.2022. Thereafter, the application was moved on behalf of the petitioner and the same was allowed and the learned trial Court gave one opportunity to cross-examine the petitioner and accordingly, the cross-examination of the petitioner was concluded. Thereafter, vide impugned order, the learned trial Court gave opportunity to the respondents to lead their evidence. This Court is of the view that there is no illegality in the

impugned order except for the fact that only one opportunity is required to be given to the respondents to conclude their evidence.

6. In view of above, the impugned order is hereby modified with direction to the learned trial Court to provide only one effective opportunity to the respondents to adduce their entire evidence.

7. This revision petition stands disposed of with the aforesaid modification.

(KARAMJIT SINGH)
JUDGE

September 19, 2023
Paritosh Kumar

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