

CR-3132-2021

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

Sr. No.115

CR-3132-2021

Date of Decision: 29.05.2023

M/S KASHMIRI LAL PARVINDER KUMAR

....Petitioner

Versus

RAM PARTAP

..... Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. S.K.Arora, Advocate
for the petitioner.

Mr. K.B.Raheja, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 29.10.2021 (Annexure P-1), passed by the Court below, whereby the evidence of the petitioner/plaintiff was closed by order.

Learned counsel for the parties heard.

From the paper book, it is evident that the petitioner/plaintiff had filed a suit for recovery of Rs.11,62,500/- from respondent/defendant, namely, Ram Partap. However, despite availing several opportunities, the evidence of the petitioner/plaintiff was not closed and consequently, learned Lower Court was constrained to close the evidence vide the impugned order dated 29.10.2021.

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At this stage, learned counsel for the respondent submits that he has no objection, if one opportunity is given to the petitioner/plaintiff to lead evidence, as he submits that the case is already delayed, solely on account of pendency of the revision petition, wherein the stay has been granted qua passing of the final order.

In view of the submission, so made by learned counsel for the respondent/defendant, even learned counsel for the petitioner/plaintiff has given an undertaking that the petitioner shall be examined on any one date only.

In the interest of justice and in view of the submissions aforesaid, the instant revision petition, is hereby accepted and the impugned order is set aside with the direction to the parties concerned to make appearance before learned Lower Court on the date fixed i.e. 31.05.2023.

In the light of the impugned order having been set aside, the Court concerned shall fix a date within a period of 15 days after the reopening of the Courts after summer vacation and on the date fixed, the petitioner/plaintiff shall examine himself as witness and he shall be cross-examined on that very day. But any how, if due to any constrained circumstances, the Court below is unable to examine the said witness completely on one date, the Court may further examine the petitioner/plaintiff or any other witness intended to be examined, within a period of one week, thereafter.

Considering the contents of paragraph 3 of the impugned order, the revision petition is allowed, subject to payment of Rs.20,000/- as cost, half of which shall be paid to the respondent and half shall be deposited with

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the Poor Patient Fund of PGIMER. The receipt relating to the deposit of amount with the Poor Patient Fund of PGIMER, shall be produced before the Court below before recording of the evidence of the petitioner.

Accordingly, the instant revision petition stands disposed of.

29.05.2023

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(ARCHANA PURI)
JUDGE

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