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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 19.09.2023

Kishan Singh @ Krishan Singh

. . . Petitioner(s)

Versus

Joginder Singh and Ors.

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajender Singh Duggal, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Present revision petition has been preferred by the petitioner (plaintiff) – Kishan Singh @ Krishan Singh, challenging the impugned order dated 06.09.2023, whereby, the Court of learned Civil Judge (Junior Divn.), Patiala, has closed the evidence of petitioner (plaintiff). The relevant part of the impugned order dated 06.09.2023, says as under:-

*“Present: Sh. R.N. Kaushal, Adv. for plaintiff.
Sh. S.S. Sahni Adv for defendants.
Sh. M.P. Singla Adv for defendant no.5.*

No PW is present. Ld. Counsel for plaintiff has again requested for an adjournment vide separate application. Perusal of the case file reveals that plaintiff has availed numerous opportunities including opportunities but has failed to conclude its entire evidence and today again request for adjournment is made by counsel for plaintiff. Since plaintiff has already availed number of effective opportunities but has failed to conclude its evidence, so I find no justification in further adjourning the case for evidence of plaintiff again. Hence, evidence of plaintiff is closed by order.

Now case is adjourned to 12.09.2023 for evidence of defendant.”

2. Learned counsel for the petitioner (plaintiff) submits that in

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fact, plaintiff has failed to adduce complete set of evidence, because, one revision petition i.e. CR-1830-2014, is pending adjudication before this Court, and till said revision petition is not decided, petitioner (plaintiff) could not lead his complete set of evidence before the Trial Court. In fact, petitioner (plaintiff) prays that proceedings of the suit before the Trial Court, be adjourned beyond 10.10.2023, because, said revision petition (CR-1830-2014), is also listed for its hearing for 10.10.2023 before this Hon'ble Court (Punjab and Haryana High Court).

3. Learned counsel for the petitioner (plaintiff) further submits that due to some unavoidable reasons and more due to pendency of said revision petition (CR-1830-2014), before this Court, he failed in producing his complete set of evidence before the Trial Court. However, taking a compassionate view, if one last opportunity is granted, he undertakes to lead his complete set of evidence within the time granted by this Court. Further submits that petitioner (plaintiff) is ready to compensate the respondent (defendant) also, if so directed by this Court.

4. I have heard learned counsel for the petitioner (plaintiff) and perused the relevant material on record.

5. For deciding the issue involved in the present revision petition, I do not deem it appropriate to issue notice to the respondent (defendant), because, that may further cause a delay in the process of trial, rather, such an issue can be disposed of, considering the submissions addressed before this Court.

6. Taking note of the submissions addressed and the other factual aspects, that the suit filed by the petitioner (plaintiff) itself is getting delayed despite its pendency before the Trial Court for the last about 10 years, I deem it appropriate to grant two effective opportunities to the petitioner

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(plaintiff) to lead or complete his set of evidence before the Trial Court, but in any case, on or before 10.10.2023. It is further clarified that any other date convenient to the learned Trial Court, to fulfill the purpose, as indicated in the order passed by this Court, can also be fixed.

However, it is made clear that petitioner (plaintiff) would be afforded only two effective opportunities, for producing his entire evidence, but said opportunity would not be available to the petitioner (plaintiff) beyond 10.10.2023. It is also hereby made clear that opportunity of leading evidence granted by this Court, would be subject to the condition of depositing of cost amount of **Rs.10,000/-**, which would be deposited with the “**District Bar Association Patiala A/c Welfare Fund**”.

7. With the aforementioned observations and terms recorded here-above, present revision petition stands **disposed of**.

Needless to mention that proceedings already fixed before the Trial Court for leading the evidence by the respondent (defendant) would be postponed beyond 10.10.2023.

(SANJAY VASHISTH)
JUDGE

September 19, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*