

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-6100-2023

Date of Decision : 12.10.2023

Budh Ram

.....Petitioner

Versus

Satya Devi

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ranjit Saini, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 18.07.2023 (Annexure P-3) passed by the learned Civil Judge (Junior Division), Jagadhri whereby evidence of the petitioner/defendant has been closed by Court order and the order dated 16.08.2023 (Annexure P-16) whereby the application filed by the petitioner for recalling of order dated 18.07.2023 has been dismissed.

2. Learned counsel for the petitioner contends that the case was fixed for petitioner's/defendants' evidence on 28.04.2023 and as per his record was adjourned for 08.08.2023, however, it appears that the proceedings took place on 08.05.2023, 15.05.2023, 19.05.2023, 30.05.2023, 05.07.2023, 12.07.2023, 13.07.2023 and 18.07.2023 and on 18.07.2023 the evidence of the petitioner/defendant was closed by observing that the defendant has already availed 10 effective opportunities. He submits that application for recalling the order dated 18.07.2023 was filed and along with the application for recalling, the petitioner/defendant has placed on record photocopy of his brief and diary which clearly show that the petitioner/defendant had noted down

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the next date of hearing as 08.08.2023, however, the said fact has not even been considered by the Trial Court while dismissing his application for recalling of order dated 18.07.2023. He has shown the original brief during the course of arguments. He submits that he would conclude his entire evidence if one more opportunity is granted to him.

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

4. Keeping in view the above factual position, it would be appropriate to grant one more opportunity to the petitioner/defendant to conclude his evidence. Consequently, the orders dated 18.07.2023 and 16.08.2023 passed by the Trial Court are set aside and the petitioner/defendant is granted one more opportunity to conclude his evidence.

5. The instant revision petition is allowed in the abovesaid terms.

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

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

12.10.2023

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No