

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

**Civil Revision No. 6230 of 2023(O&M)
Date of Decision: 17.10.2023**

Ram Lal

...Petitioner

Versus

Roop Lal Numbderdar & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Dhruv Walia, Advocate (Legal Aid Counsel)
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/ plaintiff for setting aside the impugned order dated 17.07.2023 (Annexure P-10) passed by the Court of Civil Judge (Jr.Divn.), Dasuya (Hoshiarpur) whereby the evidence of the petitioner has been closed by order in civil suit titled Ram Lal Vs. Roop Lal Numberdar & Ors. bearing No. CS-516/2021.

2. The counsel for the petitioner while assailing the impugned order, *inter alia*, contends that after framing of the issues the suit was fixed for evidence of respondent/ plaintiff but due to some unavoidable circumstances (including financial constraints) the petitioner failed to lead any evidence and finally the evidence of the petitioner was closed by the trial Court vide order dated 17.07.2023 (Annexure P-10). The counsel for the petitioner further submits that there was no intention on the part of the petitioner to prolong the proceedings in the suit. The counsel for the petitioner made prayer that one last opportunity be granted to the petitioner to conclude his evidence.

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

4. No doubt the provision of Order 18 Rule 17-A CPC was deleted w.e.f. 01.07.2002, with the purpose to expedite trial of the case. However, even after the deletion of said statutory provision, there is inherent power with the Court under Section 151 CPC to allow any party to adduce evidence even at a later stage, if it is required for the just decision of the case. Even the Hon'ble Supreme Court in **Salem Advocate Bar Association, Tamil Nadu, Vs. Union of India 2005(6) SCC 344** has held that inspite deletion of provision of Order 18 Rule 17-A CPC, the Court has always inherent powers to exercise jurisdiction for advancement of justice in terms of provisions under Section 151 CPC.

5. In the present case the evidence of the petitioner is required for proper adjudication of the case. Keeping all the facts and circumstances of the case in view and even accepting that the petitioner was negligent in his conduct, closing his evidence will be the extreme penalty. The interest of justice would also be served if final opportunity is given to the petitioner to complete his evidence.

6. Accordingly, the impugned order is set aside and one last opportunity is granted to the petitioner to conclude his evidence. No cost has been imposed due to the reason that even in the present petition the petitioner is represented by legal aid counsel only.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

17.10.2023
Jiten

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