

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CR-6508-2023

Date of Decision : 03.11.2023

Sukhchain Singh

.....Petitioner

Versus

Hardiyal Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present : Mr. Jai Bhagwan, Advocate for the petitioner.

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**NAMIT KUMAR, J. (ORAL)**

1. Challenge in the present revision petition is to the order dated 03.10.2023 passed by learned Civil Judge (Junior Division), Malerkotla in CS No.733 of 2018 titled as 'Hardiyal Singh Vs. Sukhchain Singh' whereby the evidence of petitioner/defendant has been closed by order.

2. Learned counsel for the petitioner submits that on 11.04.2023 the case was adjourned to 04.05.2023 for defendant's evidence. On 04.05.2023 no DW was appeared and the case was adjourned to 22.05.2023. On 22.05.2023 again no DW was present and on request made by learned counsel for the petitioner/defendant, the case was adjourned to 13.07.2023. On 13.07.2023 DW-1 Sukhchain Singh was present and examined-in-chief and on request made by learned counsel for the respondent/plaintiff his cross-examination was deferred for 25.07.2023. On 25.07.2023 no DW was present and on request made by learned counsel for the petitioner/defendant, the case

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was adjourned to 08.08.2023. On 08.08.2023 again no DW was present and again on request made by learned counsel for the petitioner/defendant, the case was adjourned to 25.08.2023. On 25.08.2023 again No DW was present and the case was adjourned to 13.09.2023 subject to last opportunity and payment of cost of Rs.500/- to be paid to the respondent/plaintiff. On 13.09.2023 since the wife of witness DW-1 was ill, therefore, last opportunity was granted to the petitioner/defendant and case was adjourned to 03.10.2023 and on 03.10.2023 the impugned order has been passed. He submits that although ample opportunity to conclude his evidence has been granted to the petitioner/defendant by the Trial Court but great prejudice would be caused to him if one last opportunity is not granted to him to conclude his evidence.

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

6. Keeping in view the above factual position, it would be appropriate to grant one last opportunity to the petitioner/defendant to conclude his evidence. Consequently, the order dated 03.10.2023 passed by learned Civil Judge (Junior Division), Malerkotla is set aside and the petitioner/defendant is granted one more opportunity to conclude his evidence on the next date of hearing fixed before the Trial Court subject to payment of Rs.10,000/- as costs to be paid to the respondent/plaintiff on the next date of hearing.

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

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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 he will incur for his 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.

03.11.2023

*Kothiyal*

(NAMIT KUMAR)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |