

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

**Civil Revision No.6074 of 2022
Date of Decision: 19.01.2023**

Amanpreet Singh

...Revisionist-Petitioner

Versus

Smt. Hardeep Kaur & Others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sherry K. Singla, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to the order dated 06.10.2022 (Annexure P-2) passed by learned Additional Civil Judge (Senior Division), Amloh (for short 'the trial Court') in the Civil Suit titled as '*Amanpreet Singh vs. Hardeep Kaur etc.*', whereby his evidence has been closed while observing that he had availed several opportunities for the above-said purpose.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. As categorically mentioned in this petition itself, the issues were framed in the said Civil Suit on 09.11.2017 and then, the same was

adjourned on a few occasions for recording the evidence of the plaintiff and on 07.05.2019, the examination-in-chief of two witnesses of the plaintiff was recorded but their cross-examination was deferred at the request of the counsel for defendant No.1. On 24.09.2019 also, the cross-examination of both the afore-said witnesses had been deferred on the same ground and on 28.01.2020, defendants No.2 & 3, who were proceeded against *ex-parte* vide the order dated 19.09.2017, moved the application with the prayer to set aside the above-said order and it had been allowed on the same day. Thereafter, the said Suit remained pending till 14.09.2021 for filing of the written statement on behalf of defendant No.2 and on that day, defendants No.2 & 3 were again ordered to be proceeded against *ex-parte*.

4. On 21.07.2022, defendant No.3 moved application for setting aside the order dated 14.09.2021, which was allowed on that very day and the Suit was adjourned to 04.08.2022 for recording the evidence of the plaintiff and on that day, the plaintiff himself appeared as PW-3 and his examination-in-chief was recorded but his cross-examination was deferred on the request of the counsel for the defendant and even on 18.08.2022 and 01.09.2022 also, the witnesses of the plaintiff were present in Court but their cross-examination had not been conducted for the same reason and finally, the evidence of the plaintiff was closed vide the impugned order.

5. In view of the above-narrated scenario, this Court is of the considered opinion that it would be in the fitness of the things if one more opportunity is granted to the plaintiff to conclude his evidence but subject to the payment of cost to defendant No.1 only.

6. Resultantly, without issuing the notice to the respondents-defendants so as to avoid any further delay in the trial of the said Civil Suit and also to avert the expenses that they (defendants) may have to incur to defend in the instant petition, the impugned order dated 06.10.2022 is set-aside and the revision petition in hand is hereby disposed of with direction to the trial Court to afford only one more effective opportunity to the plaintiff for leading his evidence but the payment of cost of Rs.15,000/- to defendant No.1 shall be a condition precedent for doing so and in case of default on his (plaintiff's) part in concluding his evidence or the payment of the cost on the date as may be fixed by the trial Court, he shall not be entitled to any further opportunity for the said purpose.

7. However, it is further clarified that in case the respondents-defendants feel aggrieved by this order, they shall be at liberty to move an appropriate application to contest the present petition.

19.01.2023

seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No