

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

111

CR-32-2023 (O&M)

Date of decision: 06.01.2023

KRISHAN MOHAN

..Petitioner (s)

Versus

JAGMOHAN @ KAKA AND ORS

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Balbir S. Jaswal, Advocate for the petitioner.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 12.12.2022 passed by the learned Civil Judge, Junior Division, Amritsar vide which the evidence of the plaintiff-petitioner has been closed by order.

Learned counsel for the petitioner fairly admits that petitioner had been given as many as 35 opportunities to conclude his evidence. However, due to some unavoidable circumstances, petitioner failed to do so. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner to complete his evidence, as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioner, this petition is allowed and impugned order dated 12.12.2022 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to complete his evidence, however subject to payment of Rs.10,000/- as costs to the defendants-respondents.

Disposed of as above. Pending application, if any, also stands disposed of.

**(NIDHI GUPTA)
JUDGE**

06.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No