

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

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**CR-6248-2022 (O&M)
Date of decision: 04.01.2023**

PARDEEP KUMAR

..Petitioner (s)

Versus

OM PARKASH AND ANR

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. LM Gulati, Advocate for the petitioner.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 09.11.2022 passed by the learned Civil Judge, Junior Division, Amritsar vide which the evidence of the defendant-petitioner has been closed by order.

Learned counsel for the petitioner submits that cross examination of petitioner, DW5-Manjit Singh and DW6-Raghu Khosla is still pending and for bringing true and correct facts of the case, they are necessary to be cross examined. He further states that from the perusal of the zimini orders, it is clearly shows that on 2-3 occasions, the defence witnesses i.e.DW5 and DW6 appeared before the trial Court but counsel for the plaintiffs/respondents had not examined them. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner to lead his remaining evidence/witnesses i.e. petitioner himself, DW5 Manjit Singh and DW6 Raghu Khosla, 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 09.11.2022 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to lead his remaining evidence/witnesses i.e. petitioner himself, DW5 Manjit Singh and DW6 Raghu Khosla, however subject to payment of Rs.5,000/- as costs to the plaintiff-respondents.

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

04.01.2023

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(NIDHI GUPTA)
JUDGE**