

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CR-6998-2023(O&M)
Date of decision: 20.11.2023

Jatinder Batra

....Petitioner

Versus

Manjit Kaur

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner.

AMARJOT BHATTI, J.

1. The petitioner-Jatinder Batra has filed the present civil revision under Article 227 of the Constitution of India for setting aside order dated 07.11.2023 (Annexure P-5) passed in Civil Suit No.3328 of 2017, instituted on 11.07.2017, titled as “Jatinder Batra Vs. Manjit Kaur” whereby the evidence of the petitioner/plaintiff was closed by order.

2. Learned counsel for the petitioner conceded that the issues in this case were framed on 01.07.2022 and thereafter much time was consumed in the disposal of amendment application filed by the petitioner/plaintiff and thereafter, another application was filed for examining Handwriting Expert which was ultimately allowed. The statement of one witness was also tendered namely Jatinder Batra but he was not cross-examined. Therefore, the evidence of the present petitioner/plaintiff was incomplete and the same was closed by order by passing impugned order dated 07.11.2023. It is prayed that the present petitioner may be given two effective opportunities to conclude evidence

subject to cost imposed by this Court.

3. I have considered the arguments and have gone through the record. The entire case of the present petitioner is based on documents which are already on the file. No purpose would be served by issuing notice to the defendant as it will lead to further delay and unnecessary litigation expenditure. It is rightly pointed out that issues in this case were framed on 01.07.2022 and the case was adjourned for plaintiff evidence for the first time for 16.08.2022. The file was taken up on 12.08.2022 and was adjourned in routine for 22.09.2022. On 11.11.2022, the present petitioner filed application for amendment of the plaint which was ultimately allowed vide order dated 19.01.2023. Thereafter, several dates were taken for filing amended plaint as well as written statement to the amended plaint. The case was again adjourned for plaintiff evidence for 12.05.2023. Only statement of plaintiff was tendered by way of affidavit on 14.07.2023 and thereafter few dates were taken for plaintiff evidence. Neither any evidence was led nor PW came forward for his cross examination. Thereafter, another application was filed under Section 45 read with Section 73 of Indian Evidence Act, which was ultimately disposed of vide order dated 20.09.2023 and the case was again adjourned for plaintiff evidence for 03.10.2023. Despite availing number of dates, the petitioner/plaintiff failed to conclude his evidence and ultimately the evidence was closed by order by passing impugned order dated 07.11.2023 which is Annexure P-5.

From the aforesaid proceedings it cannot be said that the present petitioner was not given adequate opportunity to conclude his evidence. However, a lenient view is taken for proper final adjudication of

the case and accordingly the impugned order dated 07.11.2023 (Annexure P-5) is set aside and the learned trial Court is directed to give two effective opportunities to the petitioner/plaintiff to conclude his evidence at own responsibility subject to payment of cost of Rs.20,000/- to the respondent/defendant.

Accordingly, the present civil revision stands disposed of.

Pending application(s), if any, shall stands disposed of.

20.11.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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