

125

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

CR-7021-2023

Date of Decision:- 05.12.2023

NARINDER SHARMA

...Petitioner

Vs.

SURINDER KAUR AND ANR.

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Naveen Batra, Advocate for the petitioner.

AMARJOT BHATTI, J. (Oral)

1. The petitioner - Narinder Sharma has filed civil revision petition under Article 227 of the Constitution of India for setting aside the order dated 09.10.2023 passed by learned Civil Judge (Jr. Divn.), SBS Nagar (Annexure P-4), vide which the evidence of the petitioner/plaintiff has been closed by order in Civil Suit No.CS/541-2020 titled as “Narinder Sharma Vs. Surinder Kaur etc.”, as the same is illegal, against the settled principle of law with further prayer to grant one effective opportunity to conclude the evidence.

2. Learned counsel for the petitioner has placed on record copy of plaint, (Annexure P-1) according to which the present petitioner Narinder Sharma has filed suit for possession by way of specific performance of agreement to sell dated 24.08.2018. The copy of written statement is Annexure P-2. It is clear from the copy of order dated 09.10.2023 that one witness Balbir Singh (PW-6) was cross-examined through Local Commissioner and Narinder Sharma was also present on that

day but he was not cross-examined. There is nothing on record to show that there was any request by the plaintiff seeking adjournment. The plaintiff was not cross-examined by the counsel for the defendants. Even then the evidence of the plaintiff has been closed by order causing great prejudice to him. Therefore, it is prayed that the impugned order dated 09.10.2023 may kindly be set aside and the present petitioner/plaintiff may be granted one opportunity so that the plaintiff is cross-examined and his evidence is completed.

3. I have considered the arguments. The case of present petitioner is based on zimni orders which are placed on record. No purpose would be served by giving notice to the respondents/defendants. The perusal of impugned order dated 09.10.2023 (Annexure P-4) clearly indicates that the present petitioner was present but he was not cross-examined. The aforesaid order is not clear whether there was any request on the part of the plaintiff or his counsel or there was any request on the part of the defendants seeking adjournment. Without giving any justification, the evidence of the plaintiff was closed by order vide order dated 09.10.2023. It is in the interest of justice that complete evidence is recorded for proper adjudication of the case. Narinder Sharma the petitioner being plaintiff is a material witness. Considering the ambiguity in the impugned order dated 09.10.2023 (P-4), the petition is allowed and the impugned order is set aside with the direction to the learned Civil Judge (Jr. Divn.), SBS Nagar to give one effective opportunity to complete the statement of Narinder Sharma – the present petitioner/plaintiff. It is pointed out that next date fixed before the trial Court is 07.12.2023. In case on that

day the witness is not cross-examined then the petitioner may be given a week’s time to complete the cross-examination of petitioner/plaintiff.

4. The Civil Revision is, accordingly, disposed of.

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

05.12.2023

snd

(AMARJOT BHATTI)
JUDGE

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