

Rinku

...Petitioner

Versus

Sub-Divisional Officer, UHBVN and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Divyam Singh, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.10.2023 (Annexure P-7) passed by the Ld. Civil Judge (Sr. Division), Panipat whereby evidence of the petitioner has been closed by order.

2. After arguing for some time, learned counsel for the petitioner submits that he would be satisfied if one opportunity is granted to the petitioner/plaintiff to lead the remaining evidence. The said witnesses shall be produced at his own responsibility. The next date before the trial Court is 12.12.2023. He has further referred to the application dated 24.01.2023 (Annexure P-10) for summoning of the witnesses.

3. Keeping in view the fact that it is a case for damages filed by the petitioner/plaintiff due to injury suffered by electrocution and he has also physical disability and the fact that technicalities should not be stumbling block in the course of the justice so one opportunity is granted to the petitioner to lead evidence. Accordingly, order dated 05.10.2023 (Annexure P-7) passed by the Ld. Civil Judge (Sr. Division), Panipat is hereby set aside and present petition is disposed of, with a direction to the trial Court to give one

opportunity to the petitioner to lead entire evidence to be produced at own responsibility but subject to payment of costs of Rs.2,000/- to be deposited in the account of concerned District Legal Service Authority. The said witnesses shall be examined on the date fixed before the trial Court and if said witnesses can not be cross-examined on date fixed, then the said witnesses shall be cross-examined on very next working day. No further opportunity shall be granted for this purpose.

- 4. In case of default, this order shall automatically stands vacated.
- 5. If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

04.12.2023
Parveen kumar

(GURBIR SINGH)
JUDGE

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