

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

CR-7799-2023

Date of Decision : 22.12.2023

Beeru Ram @ Biru Ram

.....Petitioner

Versus

Soma

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. B.S. Dhillon, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 31.10.2023 passed by learned Civil Judge (Junior Division), Pehowa in CS No.428 of 2021 titled as 'Beeru Ram Vs. Soma' whereby the evidence of petitioner/plaintiff has been closed by Court order.

2. Learned counsel for the petitioner submits that the above-said suit has been filed by the petitioner against the respondent in which notice was issued on 13.10.2021 for 26.10.2021. On 26.10.2021, the respondent had appeared through his counsel and thereafter, the suit was adjourned on the request of respondent time and again for six times from 26.10.2021 to 16.08.2022. On 16.08.2022, the written statement was filed by the respondent and on the same day the issues were framed and the case was adjourned to 26.09.2022. On 26.09.2022, the Trial Court had observed a mistake qua filing of counter-claim by the respondent and the case was adjourned to 07.11.2022 for filing reply to counter-claim. On 07.11.2022, the Presiding Officer was on casual leave

due to which the case was adjourned to 20.12.2022. On 20.12.2022, the petitioner had filed counter-claim and the case was adjourned to 14.03.2023 for the evidence of the petitioner. On 14.03.2023, the case was adjourned to 26.04.2023 on the request of the petitioner and on 26.04.2023, examination-in-chief of PW-1 namely Bittu was recorded but his cross-examination was deferred for 28.04.2023 on the request of the respondent. On 28.04.2023, the case was adjourned to 04.07.2023 on the request of proxy counsel for the petitioner and on 04.07.2023, PW-1 namely Bittu was cross-examined and the case was adjourned to 31.07.2023 for remaining evidence of the plaintiff. On 31.07.2023, PW-2 namely Ramesh Kumar was examined and the case was adjourned to 21.08.2023 on the request of the petitioner for remaining evidence of the petitioner. On 21.08.2023, no PW was present and the case was adjourned to 26.09.2023. On 26.09.2023, the arguing counsel for the petitioner was out of station and the case was adjourned to 31.10.2023 and on 31.10.2023, the impugned order has been passed by the Trial Court. He submits that although ample opportunity to conclude his evidence has been granted to the petitioner/plaintiff by the Trial Court but great prejudice would be caused to him if he is not granted one more opportunity to conclude his evidence. He further submits that only 02 witnesses are remained to be examined by the petitioner/plaintiff, therefore, he may be granted one last opportunity to conclude his evidence on the next date of hearing fixed before the Trial Court i.e. 09.01.2024.

3. I have heard learned counsel for the petitioner and perused the relevant documents.
4. Keeping in view the above factual position, it would be appropriate to grant one more opportunity to the petitioner/plaintiff to conclude his evidence. Consequently, the order dated 31.10.2023 passed by learned Civil Judge (Junior Division), Pehowa is set aside and the petitioner/plaintiff is granted one more opportunity to conclude his evidence on the next date of hearing fixed before the Trial Court i.e. 09.01.2024, subject to payment of Rs.5,000/- as costs to be paid to the respondent/defendant on the next date of hearing.
5. The instant revision petition is allowed in the abovesaid terms.
6. Keeping in view the relief claimed in the present petition, this Court is not inclined to issue notice to the respondent to avoid unnecessary expenditure which he will incur for his appearance and to engage a counsel.
7. Needless to say that the respondent would be at liberty for recalling of this order by moving an appropriate application, if so aggrieved.

22.12.2023
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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No