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

CR-3231-2024 (O&M)

Date of Decision : 07.11.2024

Ashwani Kumar & Anr

... Petitioner(s)

Versus

Jagdeep Singh

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Virk, Advocate for
Mr. Tejinderbir Singh, Advocate for the petitioners.

Mr. Karamjit Singh, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. Prayer in the present revision petition is for setting aside the impugned order dated 09.05.2024 (Annexure P-3) whereby the evidence of the plaintiff-petitioners was closed by order.
2. Learned counsel for plaintiff-petitioners would contend that only the cross-examination of PW-4 remains and that given one opportunity the plaintiff-petitioners would produce PW-4 for his cross-examination. It is further the contention of the learned counsel that the plaintiff-petitioners are also willing to compensate the defendant-respondent by way of costs.
3. Learned counsel for the defendant-respondent states that the plaintiff-petitioners have been delaying the matter and despite 19 effective opportunities, the plaintiff-petitioners failed to conclude their evidence and, hence, the impugned order has rightly been passed.
4. I have heard the learned counsel for the parties.

5. In the present case the suit has been filed by the plaintiff-petitioners for recovery of Rs.28,80,000/-. The evidence of the plaintiff-petitioners was closed vide the impugned order dated 09.05.2024 (Annexure P-3) for not having led their evidence despite several opportunities. No doubt the plaintiff-petitioners have been remiss in not concluding their evidence despite 19 effective opportunities, however, keeping in view the fact that only the cross-examination of PW4 remains which would affect the right of the plaintiff-petitioners, this Court deems it appropriate to grant one effective opportunity to the plaintiff-petitioners to produce PW4 – Harsh Kumar – for his cross-examination. The witness shall be produced on the next date of hearing before the Trial Court at their own risk and responsibility, subject to payment of costs of Rs.30,000/- to be paid to the defendant-respondent, which shall be a condition precedent.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

07.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO