

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

132

CR-4228-2024
Date of decision : 31.07.2024

Sukhjit Singh **Petitioner**

versus

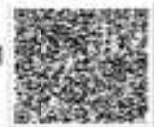
Rajwinder Singh and another **Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Navjot Kaur, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 13.02.2024 as well as 08.04.2024 passed by Civil Judge (Jr. Divn.), Kapurthala whereby the evidence of the defendant stands closed holding that the conduct of the defendant is evident which shows that the intent is to delay the trial. Despite the fact that he was granted three opportunities, even the list of witnesses could not be filed.
2. Counsel for the petitioner would submit that defendant could not produce evidence as there was no communication from his counsel with respect to fixing of the matter for defendant's evidence. Though three opportunities were granted, however, the same could not be utilized owing to communication gap between the defendant as well as his counsel.
3. In the considered opinion of this Court, though the reasoning afforded by the petitioner-defendant is inadequate and there is no cogent reason to interfere in the impugned order, however, keeping



in view the interest of the parties, this Court finds that the impugned order needs to be modified to the extent that the petitioner-defendant is granted two effective opportunities to lead entire evidence, subject to payment of Rs.5,000/- cost to be paid to the plaintiff.

4. Counsel for the petitioner informed that the next date before the Trial Court is 08.08.2024. On the said date, defendant shall produce evidence at his own risk and responsibility. Thereafter, the Trial Court shall grant another effective opportunity to him to lead entire evidence subject to the petitioner paying costs as stated hereinabove to the plaintiff.

5. In view of above, impugned order dated 08.04.2024 is modified to the aforesaid extent.

6. Petition stands disposed off.

7. Keeping in view the nature of relief being granted to the petitioner, this Court does not deem it necessary to issue notice to the respondents. However, in case the respondents feel aggrieved of the instant order, they shall be at liberty to move an appropriate application.

(PANKAJ JAIN)
JUDGE

31.07.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No