



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

CR-3929-2022

Date of decision : 22.10.2024

SAUDAGAR SINGH

....Petitioner

Versus

MANJIT KAUR

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Liaqat Ali, Advocate
 for the petitioner.

 Mr. S.P. Soi, Advocate and
 Mr. Sahil Soi, Advocate for the respondent.

PANKAJ JAIN, J. (ORAL)

Revision petition is directed against the order dated 28th of July, 2022 whereby the evidence of the plaintiff stands closed by order.

2. For convenience, the parties hereinafter are referred to by their original position in the suit i.e. the petitioner as the plaintiff and the respondent as the defendant.

3. Counsel for the plaintiff submits that though the Court has noticed in the order that the issues were framed on 8th of November, 2016 and since then the trial was lingering for the evidence of the plaintiff who was granted ample opportunities and still could not conclude his evidence but record says otherwise. He submits that by 23rd of May, 2017, the

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plaintiff examined two witnesses. Lateron, the application under Order VI Rule 17 CPC was filed and for almost 18 months the Courts were not functional owing to Covid-19 Pandemic. He further submits that the only witnesses that he wants to examine are Kango Harinder Singh and Satnam Halka Patwari who were instrumental in preparing the demarcation report on which the fate of the *lis* hinges. He submits that an effort was made by the plaintiff to trace out the fresh addresses of Kango Harinder Singh and Satnam Halka Patwari, yet he could not summon them despite making endeavours. If, one opportunity is granted, he shall make an endeavour to examine both the witnesses on the same day.

4. Mr. Soi however submits that the delay on the part of the plaintiff is evident from the record. The plaintiff has taken more than six years and still was not able to conclude his evidence. Trial Court rightly after granting two last opportunities closed the evidence.

5. Having heard counsel for the parties and after carefully going through records of the case, it is evident that both the witnesses i.e. Kango and Halka Patwari sought to be summoned by the plaintiff/petitioner have now retired and the plaintiff prior to passing of the impugned order was seeking opportunity to trace their address.

6. Without commenting on the merits of the case and keeping in view the fact that the circumstances in which the witnesses could not be summoned were beyond control of the plaintiff, this Court finds that in the

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interest of justice the plaintiff deserves one opportunity to examine the said witnesses with the aid of the Court.

7. Resultantly, the present revision petition is allowed. Impugned order dated 28th of July, 2022 is hereby set aside. Trial Court is directed to grant one effective opportunity to the plaintiff to lead entire evidence subject to payment of costs of Rs.2,000/-. The cost shall be paid by the plaintiff to to the defendant.

October 22, 2024			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No