



119

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

CR-4753-2024

Date of decision: 23.08.2024

Shabeg Singh

...Petitioner

Versus

Punjab National Bank

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. K.B.S. Mann, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for the respondent-Bank.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 23.07.2024 vide which the Civil Judge (Junior Division), Amritsar, in pursuance of the order dated 17.07.2024 passed by the Coordinate Bench of this Court in CR-3841-2024, had permitted the petitioner to lead his entire oral as well as documentary evidence on 23.07.2024.

2. It would be relevant to note that the petitioner, who had filed a suit for declaration against respondent-Punjab National Bank, had filed CR-3841-2024 in which challenge was to the order dated 12.04.2024 passed by the trial Court whereby the right of the petitioner-plaintiff to further prosecute the suit was struck off. The said revision petition was disposed of by the Coordinate Bench of this Court in the following terms:-



“[6] I have heard learned counsel for the parties and gone through the paper-book.

[7] In the present case, though there does not appear any jurisdictional error on the part of trial Court, while passing the impugned order dated 12.04.2024, however, keeping in view the interest of justice and especially when the petitioner-plaintiff is willing to deposit the costs imposed by the trial Court as well as some compensation for the respondent-defendant (Punjab National Bank) on account of delay on his part while concluding his evidence, the impugned order dated 12.04.2024 is hereby set aside with the direction that the petitioner would deposit a sum of Rs. 50,000/- (Fifty Thousand only) before the trial Court towards costs payable to the respondent-defendant, which shall be deposited by the petitioner on the date fixed before the trial Court on 23.07.2024. Further, the petitioner-plaintiff would conclude his entire oral as well as documentary evidence on the same date. It is made clear that no further adjournment for recording of evidence of the petitioner-plaintiff shall be granted by the trial Court.

[7.1] As regards the plea raised on behalf of respondent-defendant regarding the jurisdiction of trial Court to entertain a suit filed at the instance of petitioner-plaintiff, the trial Court is requested to decide the suit finally within a period of four months from today.

[8] Disposed off in the aforesaid terms.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.”

3. It is not disputed that the said order had attained finality. The trial Court, in pursuance of the order dated 17.07.2024 passed by the Coordinate Bench of this Court, had granted opportunity to the petitioner to

lead his entire oral as well as documentary evidence on 23.07.2024, as directed by the High Court. However, since evidence was being recorded and it was already 5 pm thus, the case was adjourned to 24.07.2024 for cross-examination of the witnesses produced by the plaintiff. The impugned order dated 23.07.2024 is thus, in accordance with the direction given by the Coordinate Bench of this Court in order dated 17.07.2024.

4. Learned counsel for the petitioner has submitted that the petitioner be permitted to examine witnesses other than the witnesses who had appeared on 23.07.2024. Same cannot be permitted as the earlier order dated 17.07.2024 passed by the Coordinate Bench of this Court, which order had attained finality, only permitted the petitioner to conclude his entire oral as well as documentary evidence on 23.07.2024. Thus, only witnesses of the plaintiff who had appeared on 23.07.2024 can be fully examined. Finding no infirmity in the impugned order, the same is accordingly upheld and the present revision petition being meritless, is dismissed.

23.08.2024
Pawan

(VIKAS BAHL)
JUDGE

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