

2024:PHHC:116410



S. No.126

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5099 of 2024 (O&M)

Date of Decision:05.09.2024

Labh SinghPetitioner

Vs.

Dial Singh and othersRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Hitesh Verma, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Petitioner is plaintiff before the trial Court in Civil Suit bearing No.CS-1723-2021. He is aggrieved by the order dated 03.05.2024 (Annexure P.3) whereby his evidence has been closed.

2. Although it is conceded by learned counsel for the petitioner that petitioner had availed numerous opportunities to conclude his evidence but failed to do, as has been observed by the trial Court in the impugned order, but learned counsel prays for one more opportunity, submitting that grandson of the petitioner is 100% disabled and suffering from Profound Intellectual Disability, due to which petitioner remained under tension and occupied for his treatment and it is for this reason that he could not conclude the evidence.

3. Although petitioner has already availed numerous opportunities as has been observed by the trial Court but considering the circumstances narrated by learned counsel and in the interest of justice, one more opportunity is provided to the petitioner to conclude his evidence to be produced at his own responsibility, subject to ₹25,000/- as costs to be paid to the opposite party by way of a demand draft. The impugned order dated 03.05.2024 is accordingly set aside. The trial Court shall fix a date for evidence of the petitioner- plaintiff.



4. Since this order has been passed without serving any notice to the respondents, in order to avoid delay in the matter, therefore, the respondents will be at liberty to approach this Court in case they feel aggrieved.
5. Disposed of.

September 05, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No