

2024:PHHC:119491



S. No.130

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

CR No.5247 of 2024

Date of Decision:11.09.2024

Mahadeva

.....Petitioner

Vs.

Shakuntala and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Ravi Kumar Girdhwal, Advocate
for the petitioner.**

DEEPAK GUPTA, J. (Oral)

Assailing the order dated 06.08.2024 (Annexure P.4), whereby evidence of the defendant (petitioner herein) was closed by the trial Court, attention is drawn by learned counsel towards the order dated 08.05.2024 of the trial Court whereby evidence of the plaintiffs was closed. Thereafter, matter was adjourned to 15.05.2024 for evidence of the defendants, and then to 22.05.2024, 28.05.2024, 09.07.2024, 23.07.2024 and 06.08.2024. Learned counsel contends that during this period, two witnesses have already been examined by the defendants. Only short adjournments have been granted and, therefore, the defendants could not produce the evidence on account of the short duration of adjournments.

2. Learned counsel submits the petitioner – defendant requires one opportunity so as to conclude the evidence. He prays accordingly.

3. Having noticed the various zimni orders passed by the trial Court, it appears that in order to dispose of the matter being an action plan case, the trial Court proceeded quite hurriedly. In the name of disposal of the old matters, the rights of a party cannot be scuttled.

4. Having noticed all the circumstances, this petition is hereby accepted by setting aside the impugned order dated 06.08.2024 (Annexure P.4). One opportunity is



granted to the petitioner – defendant to conclude evidence to be produced at his own responsibility. However, this order is subject to ₹5,000/- as costs to be payable to the plaintiffs- contesting respondents. The trial Court shall fix one date for evidence of the defendants.

5. Since this order has been passed without issuing any notice to the contesting respondents- plaintiffs, in order to avoid unnecessary delay, the respondents will be at liberty to approach this Court in case they feels aggrieved.

September 11, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No