



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR-6136-2023 (O&M)
Date of decision : 19.07.2024

Bhateri Petitioner
versus

Sheela Devi and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ajay Kaushik, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. Plaintiff is in revision. Challenge is to the order dated 05.09.2023 passed by Additional Civil Judge (Sr. Division), Kharkhoda.
2. After the plaintiff failed to lead evidence despite various opportunities, Trial Court saddled him with cost of Rs.500/- and directed him to lead entire evidence. However on 05.09.2023, there was change in the counsel and fresh vakalatnama was filed on behalf of the plaintiff. Though the cost was paid and PW-1 Amarjeet was examined, however, no other evidence of the plaintiff was present on the said date. Resultantly, Trial Court observing that despite numerous effective opportunities granted to the plaintiff, he failed to conclude the same, closed his oral evidence by order.
3. Mr. Kaushik submits that in case one effective opportunity is granted to the plaintiff, he undertakes that he will lead entire evidence.

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4. After going through the impugned order and the records of the case, though this Court finds that there is no cogent reason to interfere in the order impugned in the revision petition on merits, yet purely in the interest of justice, plaintiff is granted one opportunity to lead entire evidence at his own risk and responsibility, subject to payment of Rs.5,000/- cost to be paid to the defendant.
5. With the aforesaid modification, the instant revision petition is disposed off. Plaintiff shall bring entire evidence on **06.08.2024**, which is stated to be the next date before the Trial Court and shall be permitted to lead the same. The Trial Court shall be at liberty to grant further date for defendant to cross examine the witnesses produced by the plaintiff on the said date.
6. Keeping in view the nature of relief granted to the petitioner by way of instant order, this Court does not deem it necessary to issue notice to the respondent. However, in case the respondents feel aggrieved of the order, they are at liberty to move an appropriate application seeking recalling of the order.
7. Ordered accordingly.
8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

19.07.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No