

2024:PHHC:031130

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

CR-5820-2022 (O&M)
Date of decision: 04.03.2024

Naresh Kumar

....Petitioner

Versus

Jaspreet Singh alias Mithu

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Namit Gautam, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. Through this revision petition, the correctness of the two interlocutory orders passed by the trial court on 09.09.2022 and 07.11.2022, is assailed by the plaintiff. Vide order dated 01.09.2022, the court granted last opportunity to the plaintiff to produce his evidence, who shall be examined prior to the defendant's evidence. The hearing of the case was adjourned to 05.09.2022. However, on 05.09.2022 the Presiding Officer was on leave. Thereafter, the case was adjourned for defendant's evidence. Upon realising the mistake, the First Appellate Court has granted opportunity to the plaintiff to produce his evidence.

2. Learned counsel representing the petitioner submits that without any formal application for review of the order dated 09.09.2022, the court has permitted the plaintiff to produce evidence. He submits that the court has committed error in reviewing its previous order.

3. This Court has considered the submissions made by the learned counsel representing the petitioner.

4. During the course of proceedings, the court passes zimni orders (daily orders). These orders are passed in order to make the parties aware of the next proceedings, who have to take steps. These daily orders are not strictly deciding the rights of the parties. Hence, there was no requirement of filing a formal application for review of the order. It is evident that on 01.09.2022 the plaintiff was permitted to examine the witness. On 05.09.2022, however the Presiding Judge was on leave. In these circumstances, the plaintiff has only been granted opportunity to lead evidence.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

04.03.2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No