



114

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

CR-6028-2024

Date of decision: 19.10.2024

Rajender

...Petitioner

Versus

Rajbir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Dhankhar, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 20.07.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Charkhi Dadri vide which the evidence of the petitioner/plaintiff has been closed.

2. Learned counsel for the petitioner has submitted that on 07.11.2023, two PWs were present and had made their separate statements that they would bring the summon record on the next date of hearing and accordingly, the case was adjourned to 04.01.2024. It is further submitted that on 04.01.2024, two PWs namely Deepak, Record Keeper and Datatya Ram, MC, Clerk were present and were examined as PW1 and PW2 and one Rajender was also present and his examination-in-chief was conducted as PW3 and his cross-examination had been deferred on the request of learned



counsel for respondents/defendants. It is submitted that although, there was some lapse on the part of the petitioner also but in view of the abovesaid facts and also in view of the fact that in case the petitioner is not granted one opportunity to close his evidence then irreparable loss would be caused to him. It is thus, prayed that the impugned order be set aside and the petitioner be granted one last opportunity to lead his entire evidence at his own responsibility.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner should be granted one last effective opportunity to complete his entire evidence at his own responsibility and accordingly, the present revision petition is partly allowed and the order dated 20.07.2024 (Annexure P-1) is set aside to the extent that the evidence of the plaintiff/petitioner has been closed by order and the petitioner is granted one last effective opportunity to complete his entire evidence at his own responsibility subject to him depositing the costs of Rs.15,000/- on or before 25.10.2024 and the said amount would be released to the six defendants i.e. defendant Nos.1, 2, 3, 5, 6 and 7 (who are contesting the case in equal sum of Rs.2500/- each) and the same would also be subject to the petitioner producing the remaining witnesses on 25.10.2024, which is stated to be the next date of hearing, before the trial Court.

4. It is made clear that in case, the abovesaid costs is not deposited on or before 25.10.2024 before the trial Court and the petitioner does not produce his entire evidence on 25.10.2024 then the present revision petition would be deemed to have been dismissed.



5. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail the expenses for respondents to defend the present revision petition. However, it would be open to respondents to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

19.10.2024
Pawan

(VIKAS BAHL)
JUDGE

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