



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CR-6523-2024
Date of Decision:-08.11.2024

INDU NAGPAL (SINCE DECEASED) THROUGH HER LRS

... Petitioner(s)

Versus

RAJIV HORA AND ORS

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Neeraj Malhotra, Advocate
for the petitioner(s).

ALOK JAIN, J. (Oral)

1. Present petition has been filed by the petitioner *inter alia* praying for quashing of order dated 02.07.2024 (Annexure P-1), whereby the plaintiff's evidence has been closed by the learned Court below by recording that the plaintiff has failed to conclude his evidence despite availing several effective opportunities.
2. Learned counsel for the petitioner submitted that after framing of the issues, the matter was listed for 16.02.2024 and on the said date due to some mis-happening in the family of the counsel, the matter was adjourned. Thereafter on the next date i.e. 06.03.2024, one prosecution witness namely



Chirag was partly examined but his cross-examination was deferred on the request of counsel for the defendant and matter was adjourned to 23.04.2024. Thereafter, on account of absence of the prosecution witness namely Chirag on 23.04.2027, the matter was adjourned and subsequently on 02.07.2024 the evidence of the plaintiff was closed by Court order. Learned counsel for the petitioner submitted that the petitioners are the husband and sons, who were impleaded by way of amendment of the suit after the demise of plaintiff-Indu Nagpal.

3. Heard learned counsel for the petitioner at length and considering the fact that the plaintiff's right for leading his evidence should not be curtailed having no malice on account of the petitioner; further issuance of notice shall procrastinate the trial, which is now fixed for 19.11.2024 for defendant's evidence coupled with the fact that the defendant has also not pleaded any evidence till date and is at the initial stage.

4. In view of the above, it is appropriate to dispose of the instant petition and order dated 02.07.2024 is hereby set-aside in the following terms:-

- i. The petitioner shall ensure that the prosecution witness, namely Chirag, is present on the next date of hearing fixed before the Court below i.e. 19.11.2024, who shall be cross-examined by the counsel for the defendant.
- ii. The petitioner shall be granted two effective opportunities to plead his entire evidence.



iii. The petitioner shall remit cost of ₹15,000/- to the defendant as compensation for the opportunity so granted to the petitioner/plaintiff for leading his entire evidence.

4. In view of the above, present petition stands dispose of.

08.11.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No