



CR-6380-2024

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

(130)

CR-6380-2024

Date of Decision: - 04.11.2024

Sukhwinder Singh and another

....Petitioners

Versus**Kuldeep Singh and another**

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Balbir Singh Jaswal, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 09.07.2024 (Annexure P-6) passed by the trial Court, whereby the evidence of the petitioners has been closed and order dated 04.10.2024 (Annexure P-9) whereby the application of the petitioners for recalling the order dated 09.07.2024 has been dismissed.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners are ready with the evidence but the same could not be examined as their counsel appearing before the trial Court had shifted to Canada and thereafter, their evidence was closed vide order dated 09.07.2024 (Anneuxre P-6). It is submitted that the petitioners had moved an application for recalling the said order but the same was

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dismissed vide order dated 04.10.2024 (Annexure P-9). It is stated that in case, the petitioners are not granted one effective opportunity to lead their entire evidence, then, they would suffer irreparable loss and would not be able to rebut the evidence led by respondent No.1-plaintiff. It is thus prayed that one last effective opportunity be granted to the petitioners to lead their entire evidence and for the inconvenience caused to respondent No.1-plaintiff, the petitioners are ready to compensate the said respondent No.1. It is further submitted that the next date fixed before the trial Court is 05.11.2024 for rebuttal evidence.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one effective opportunity to conclude their entire evidence, subject to reasonable costs and accordingly, the present revision petition is partly allowed and the impugned orders dated 09.07.2024 (Annexure P-6) and dated 04.10.2024 (Annexure P-9) are set aside to the extent that the evidence of the petitioners has been closed by order, with the following directions: -

- (i) Petitioners would inform the trial Court of the present order on 05.11.2024, on which date the trial Court would give a date to the petitioners to lead their entire evidence.
- (ii) On the date so fixed, the petitioners would produce all their witnesses and only the witnesses which are produced on the said date would be permitted to be examined and no other witnesses would be permitted to be examined.
- (iii) The witnesses so produced would be examined and counsel



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for respondent No.1-plaintiff would be permitted to cross-examine the said witnesses.

- (iv) The same would be subject to the petitioners depositing the cost of Rs.20,000/- on 05.11.2024, which is stated to be the next date of hearing, before the trial Court and on depositing the said amount, the trial Court is directed to release the said amount of Rs.20,000/- to respondent No.1.

5. It is made clear that in case, the petitioners do not deposit the cost of Rs.20,000/- on 05.11.2024 and do not produce their witnesses on the date so fixed by the trial Court, the present revision petition would be deemed to have been dismissed.

6. It would be relevant to mention that notice of motion has not been issued to respondent No.1 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent No.1 in order to defend the present petition. However, it would be open to respondent No.1 to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

November 04, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No