



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CR-7249-2024
Decided on:19.12.2024

Ashish Gupta

... Petitioner

Versus

Shri Radhey Shyam Gupta and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Suvir Sidhu, Advocate and
Mr. Harlove Singh Rajput, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. The present Civil Revision Petition has been filed under Article 226/227 of the Constitution of India for setting aside the order dated 07.10.2024 (Annexure P-6) passed by the Civil Judge (Sr. Divn.), Sonapat whereby the evidence of the plaintiff has been closed by order.
2. Learned counsel for the petitioner has submitted that there has been lackness on the part of the petitioner but has pointed out that the petitioner is the plaintiff and the delay, if any, in the case would primarily prejudice the rights of the petitioner. It is further submitted that since no evidence has been led by the petitioner, thus, irreparable loss would be caused to the petitioner, in case, one effective opportunity is not granted to him to lead his evidence and the suit would be liable to be dismissed on the said ground alone. It is further submitted that on 07.10.2024, as per the counsel appearing before the trial Court, the case was adjourned to 30.10.2024 for the plaintiff's evidence and in support of the said argument,



learned counsel for the petitioner has referred to Annexure P-7, which is the screenshot of the e-courts services, which shows the date as 30.10.2024 for the plaintiff's evidence and has also referred to the diary of the counsel appearing before the trial Court (Annexure P-9) at running page 72 of the paperbook. It is submitted that for the inconvenience caused to the defendants, the petitioner is ready to pay a reasonable cost to each of the defendants.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner would be granted one effective opportunity to lead his entire evidence and accordingly, the present revision petition is partly allowed and the impugned order dated 07.10.2024 to the extent that the evidence of the present petitioner/plaintiff has been closed by order, is set aside and the petitioner is granted one effective opportunity to lead his entire evidence. The trial Court is directed to give a date to the petitioner on 20.12.2024, which is the next date of hearing, to produce his entire oral evidence and on the date so given by the trial Court, the petitioner would produce his entire evidence and the trial Court would then record the said evidence of the witnesses, who have been produced. Due opportunity would also be given to the defendants to cross examine the said witnesses/witness. The same would be subject to the petitioner depositing an amount of Rs.30,000/- before the trial Court on 20.12.2024 and the said amount would be released in favour of defendants No. 1 to 6 in equal proportion.

4. At this stage, learned counsel for the petitioner has pointed out that inadvertently, the name of the Senior counsel has been mentioned in the

present petition, although the senior counsel has not been engaged in the present case and has prayed that the name of the Senior counsel, be deleted.

5. In view of the request made by learned counsel for the petitioner, the name of the Senior counsel as mentioned at page 2 of the paperbook is ordered to be deleted.

6. Registry is directed to carry out the necessary corrections.

7. 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 the respondents to defend the present revision petition. However, it would be open to the 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.

19.12.2024

Pawan/Mehak

Whether reasoned/speaking?
Whether reportable?

(VIKAS BAHL)
JUDGE

Yes/~~No~~
~~Yes~~/No