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

CR-7122-2024

Date of decision: 09.12.2024

Jagtar Singh

...Petitioner

Versus

Sujinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Sobti, Advocate and
Mr. Jaskirat Singh Arora, Advocate for the petitioner.

Mr. R.S. Bajaj, Advocate for the respondents.

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 01.10.2024 (Annexure P-7) passed by the Civil Judge (Junior Division), Amritsar in a case titled as “Jagtar Singh Vs. Sujinder Singh etc.” bearing CS No.1383/2020 whereby the trial Court has closed the evidence of the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner is 74 years old person and has suffered serious spine injury and thus, has not been able to pursue his case fully. It is further submitted that the petitioner is plaintiff in the case who has filed a suit for recovery of Rs.13,30,000/- along with interest and thus, any delay in the proceedings would primarily harm him. It is stated that the petitioner had produced two



witnesses i.e., PW1-Arwinder Singh and PW2-Bandeep Singh whose evidence in chief have been recorded and whose cross-examination have to be recorded and since the said witnesses were not produced thus, they have not been cross-examined and thus, their evidence could not be led. It is submitted that in case the said two witnesses are not cross-examined and their evidence is not taken into consideration then irreparable loss would be caused to the petitioner. It is further stated that in case one opportunity is granted to the petitioner, he would produce the abovesaid two witnesses i.e., PW1-Arwinder Singh and PW2-Bandeep Singh and the said witnesses be directed to be examined by the trial Court and that for the delay and inconvenience caused to the respondents, the petitioner is ready to pay the adequate costs.

3. Learned counsel for the respondents has submitted that in the present case, the said PW1-Arwinder Singh and PW2-Bandeep Singh had given their examination in chief but on several dates, were not produced for the purpose of their cross-examination and thus, after granting due opportunity, the evidence of the petitioner has been closed by order. It is further submitted that since, there was no evidence led by the plaintiff, thus, defendants had also closed their evidence without recording any witnesses and has submitted that in case one opportunity is granted to the petitioner, then the respondents be also granted due opportunity to lead their evidence.

4. Learned counsel for the petitioner in rebuttal has submitted that the petitioner has no objection to the defendants being given an opportunity to lead their evidence in view of the arguments raised on behalf of the respondents.



5. Keeping in view the abovesaid facts and circumstances, the present revision petition is partly allowed and the impugned order dated 01.10.2024 is set aside with the following directions:-

- a) The trial Court would give a date to the petitioner to produce both the witnesses i.e., PW1-Arwinder Singh and PW2-Bandeep Singh on the date fixed. In case the petitioner produces the said witnesses then due opportunity would be given to the respondents to cross-examine the said witnesses i.e., PW1-Arwinder Singh and PW2-Bandeep Singh. It is made clear that in case the petitioner does not produce the said witnesses i.e., PW1-Arwinder Singh and PW2-Bandeep Singh on the date fixed by the trial Court then no further opportunity would be given to the petitioner to produce the said witnesses.
- b) The petitioner would deposit an amount of Rs.15,000/- as costs within a period of one week from today before the trial Court. On deposit of the said amount, the same would be released by the trial Court to respondent Nos.1 and 2 in equal proportion i.e., Rs.7500/- each.
- c) The respondents would be given three effective opportunities to lead their evidence as they have not led their evidence on account of the fact that the petitioner has also not produced the abovesaid witnesses for cross-examination.

09.12.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No