



CR No.7111 of 2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.7111 of 2024 (O&M)
Date of Decision: 05.12.2024

Lovenish Singh

..... Petitioner

Versus

Mukhtiar Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhishek Goel, Advocate for the petitioner.

VIKAS BAHL, J (ORAL)

1. This is a civil revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 21.09.2024 passed by the Civil Judge (Jr. Divn.), Jhajjar vide which the evidence of the petitioner/plaintiff has been closed by Court order.

2. Learned counsel for the petitioner has submitted that the petitioner is the plaintiff and has filed a suit for partition and declaration and thus, any delay in the proceedings would only cause prejudice to the petitioner. It is further submitted that there is no interim order in favour of the petitioner/plaintiff. It is submitted that the petitioner has already examined himself and only prays for last effective opportunity to lead his entire evidence. It is further submitted that the matter is now listed for 07.12.2024 and the petitioner would produce his entire evidence on the said date. It is submitted that for the delay and inconvenience caused to the respondent, the petitioner is ready to pay the adequate cost.

3. Keeping in view the above facts and circumstances of the case, this Court is of the opinion that one last effective opportunity be granted to the



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petitioner to lead his entire evidence and accordingly, the impugned order dated 21.09.2024 to the extent that the evidence of the petitioner/plaintiff has been closed, is set aside and the present petition is partly allowed with the following directions:-

- (i) The petitioner would deposit an amount of Rs.10,000/- on 07.12.2024 i.e., the date fixed before the trial Court and the said amount would be released by the trial Court to the respondent-defendant.
- (ii) The petitioner is granted one last effective opportunity to produce his entire evidence on 07.12.2024 and the trial Court is directed to permit the petitioner/plaintiff to lead his entire evidence on the said date and due opportunity would also be granted to the respondent to cross-examine the witness/witnesses produced by the petitioner. In case the petitioner leads his evidence and deposits the amount on or before 07.12.2024, then the trial Court would record the evidence and proceed with the matter in accordance with law.
- (iii) It is made clear that in case the amount is not deposited and the petitioner has not lead his evidence on 07.12.2024, then the present petition would be deemed to have been dismissed.

4. It would be relevant to note here that no notice is being issued in the present case to the respondent as issuance of notice would unnecessarily delay the proceedings and would also entail expenses for the respondent to defend the present petition. However, in case, any statement made by the petitioner as noticed hereinabove is factually incorrect, then it would be open to the respondent to move an application for recalling the present order.

05.12.2024
D.Bansal

(VIKAS BAHL)
JUDGE

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