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

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Date of Decision: 15.02.2025

Dharambir

.....Petitioner

Versus

Sangeeta and others

....Respondents

CORAM: HON'BLE MS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sumit Sangwan, Advocate with
Mr. Pawan Singh, Advocate, for the petitioner.

SUDEEPTI SHARMA, J. (ORAL)

1. The present revision petition has been filed for setting aside the order dated 09.01.2025 (Annexure P-1) whereby, the learned Additional Civil Judge (Sr. Divn.) Charkhi Dadri, in case CIS-CS- No. 176/2017 titled as '*Sangeeta Vs. Dharambir and Others*', closed the evidence of the petitioner by order of the Court as well as order dated 01.02.2025 (Annexure P-2) vide which the application dated 22.01.2025 (Annexure P-3) filed by the petitioner for recalling the order dated 09.01.2025 was dismissed.

2. Learned counsel for the petitioner submits the learned trial Court has wrongly closed the evidence of the petitioner and even the application filed for recalling of the order dated 09.01.2025 was also dismissed. He further submits that he wants to examine himself and one another witness namely Sukhbir who has already been summoned by the learned trial Court.

3. I have heard the learned counsel for the petitioner and perused the whole record of this case.

4. A perusal of the impugned order dated 09.01.2025 shows that two witnesses i.e. DW-1 and DW-2 were examined by the petitioner on 09.01.2025 and for examination of the remaining witnesses, he sought time.



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A perusal of the impugned order further shows that it was passed without any justification and application of judicial mind. It is not the case of the petitioner that he was asking for adjournment and no witness was examined by him on 09.01.2025. Since two witnesses were examined by the petitioner, therefore, justice demands that no prejudice would be caused to the respondents if the present petition be allowed and one effective opportunity may be granted to the petitioner to conclude his evidence by examining himself and another witness namely Sukhbir.

5. In view of the above, the present petition is allowed and impugned order dated 09.01.2025 (Annexure P-1) as well as order dated 01.02.2025 (Annexure P-2) are set aside and petitioner is granted one more effective opportunity to conclude his evidence by examining himself and the another witness named above which was summoned by the trial Court.

6. Pending application, if any, also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

15.02.2025
anil

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