

**CR-6754-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(247)****CR-6754-2024 (O&M)
Date of decision:- 28.03.2025****Tarsem Kumar****... Petitioner****Versus****Palo Devi****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ravi Dutt Sharma, Advocate
for the petitioner.

**********SUVIR SEHGAL, J. (ORAL)**

1. Assailing order dated 24.05.2024, Annexure P-15, passed by the learned Civil Judge (Senior Division), Kaithal, whereby his evidence has been closed by order, petitioner/plaintiff has filed the instant revision petition.
2. Mr. Ravi Dutt Sharma, Advocate, counsel for the petitioner submits that an application dated 09.03.2024, Annexure P-11, filed by the plaintiff for summoning three witnesses was accepted by the Trial Court and the requisite charges were deposited. He submits that out of them, Satish Kumar, document writer, appeared before the Trial Court and was examined on 24.05.2024, but the other two summoned witnesses did not appear, although one of them was served. It is his categoric assertion that the petitioner has not been given sufficient opportunity to conclude his evidence.
3. Mr. Vinod Bhardwaj, Advocate has put in appearance on behalf of the respondent and has filed Memorandum of Appearance, which is taken on

**CR-6754-2024 (O&M)****-2-**

record. Opposing the petition, he submits that the petitioner has been remiss in leading evidence and there is no infirmity in the order passed by the Trial Court.

4. I have heard counsel for the parties and considered their respective submission, besides examining the paper-book with their able assistance.

5. Petitioner/plaintiff filed a suit, Annexure P-1, for possession by way of specific performance of an agreement to sell dated 21.05.2018 or in the alternative for recovery of Rs.23,00,000/- along with interest and upon being served, defendant filed a written statement, Annexure P-2, contesting the suit. Trial Court framed the issues on 02.05.2022, Annexure P-4, on the basis of the pleadings of the parties and proceedings were deferred to enable the plaintiff to produce his evidence. A perusal of the orders, appended at Annexures P-5 to P-10, passed by the Trial Court show that the plaintiff was granted as many as ten opportunities to lead his evidence, but besides stepping himself into the witness box as PW-1, he examined one more witness. Cost was also imposed upon him, but the plaintiff could not conclude his evidence, resulting in the passing of the impugned order.

6. Undisputedly, petitioner/plaintiff has been lax in leading evidence and despite availing numerous opportunities, he has examined only two witnesses. Onus of vital issues is on the petitioner. In case, he is not given an effective opportunity to lead the entire evidence, his cause is likely to be adversely effected. Therefore, this Court is of the view that such an opportunity deserves to be granted to him.



CR-6754-2024 (O&M)

-3-

7. Accordingly, petition is allowed. Impugned order dated 24.05.2024, Annexure P-15, is set aside. Petitioner is granted one effective opportunity to lead his entire evidence at his own responsibility, subject to deposit of cost of Rs.20,000/- with Sahayta Charitable Welfare Society, Sector 15-B, Chandigarh, Account No.911010027828405, IFSC: UTIB0001518 in Axis Bank, Sector-16, Chandigarh. Deposit of cost shall be a condition precedent to the grant of opportunity.
8. Parties shall appear before the Trial Court on 09.04.2025. Trial Court would fix a date to enable the petitioner to produce his entire evidence at his own cost and responsibility.
9. Pending application shall stands disposed off.

28.03.2025
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No