

CR-7577-2024 (O & M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CR-7577-2024 (O & M)
Date of decision:10.01.2025

GURJIT SINGH

...PETITIONER

VS.

PRITAM KAUR AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S. S. Salar, Advocate
for the petitioner.

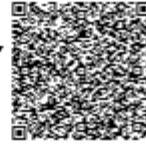
SUVIR SEHGAL J. (ORAL)

CM-23173-CII-2024

1. Exemption, as prayed for, is granted.
2. Application is allowed.

Main case

3. This revision petition has been filed under Article 227 of the Constitution of India for quashing order dated 29.07.2024, Annexure P-8, passed by the learned Civil Judge, Junior Division, Ludhiana.
4. Counsel for the petitioner submits that the petitioner had filed a civil suit for permanent injunction restraining the defendants-



respondents from interfering in the peaceful possession of sole property measuring about 200 kanals. He submits that upon service, suit was contested by the defendants by filing separate written statements, Annexures P-2 and P-3, and after framing of the issues, the proceedings were fixed for leading evidence by the plaintiff. He states that the petitioner examined Harbhajan Singh as PW-1, but his cross-examination was concluded by the defendants on 28.05.2024. He submits that the petitioner could not produce any other witness as the respondents delayed the conclusion of the cross-examination of the first witness produced by the petitioner. He has also referred to the petitioner's medical record, Annexures P-9 to P-14, to submit that he is a heart patient and a stent has been implanted at a hospital in Canada, where he is residing. He submits that vide impugned order, Annexure P-8, petitioner's evidence has been closed by order without giving him sufficient opportunity to conclude his evidence. He has requested that a petition be provided with one opportunity to lead his entire evidence at his risk and cost.

5. I have heard counsel for the petitioner as well as perused the impugned order and the documents appended with the petition.

6. Status of the suit checked from the website of the Court shows that the evidence of the defendant was closed by order dated 07.01.2025 and the proceedings are fixed before the Trial Court for today for rebuttal evidence, if any and for arguments. Although, it appears that the petitioner has been remiss the leading evidence, but in the interest of

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justice, this Court is of the view that an opportunity deserves to be granted to him to lead his entire evidence at his risk, subject to deposit of cost.

7. Accordingly, it is directed that one effective opportunity be granted to the petitioner to produce his entire evidence at his risk and cost. This will be subject to deposit of Rs.20,000/- as cost with the Poor Patient Welfare Cell, PGIMER, Sector 12, Chandigarh. Deposit of cost shall be a pre-condition to the opportunity being granted to the petitioner.

8. Petitioner/his counsel shall appear before the Trial Court on 16.01.2025 and the Trial Court shall fix a date for leading of the entire evidence by the petitioner.

9. Petition is disposed of.

10.01.2025*sheetal***(SUVIR SEHGAL)****JUDGE**

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