



CR-220-2025 (O&M)

-1-

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

127

**CR-220-2025 (O&M)
Date of decision:15.01.2025**

Amit Kumar

... Petitioner

Vs.

DHBVNL & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Sandeep Singh, Advocate for the petitioner.

...

SUKHVINDER KAUR, J.

1. Instant revision petition has been filed by the petitioner/plaintiff No.1 against the order dated 15.10.2024 (Annexure P-8) passed by the Civil Judge (Junior Division), Gurugram, whereby evidence of the petitioner has been closed by order.

2. Brief facts material for adjudication of the present revision petition are that the revision petitioner/plaintiff filed a suit for declaration with consequential relief of permanent injunction and mandatory injunction against the defendants/Dakshin Haryana Bijli Vitran Nigam Limited.

3. After completion of the pleadings, learned trial Court framed issues vide order dated 03.12.2019. The matter was adjourned time and again due to outbreak of Covid-19 pandemic and could not be taken up till 20.10.2022. During the pendency of the suit, various opportunities including the last opportunity were provided to the petitioner/plaintiff to



lead his evidence but he failed to conclude the same. Thereafter, while passing the impugned order on 15.10.2024 (Annexure P-8), evidence of the petitioner was closed by the trial Court by order. Aggrieved against the said order, the revision petitioner/plaintiff No.1 has knocked the doors of this Court.

4. Learned counsel for the petitioner has contended that due to some personal difficulty, he could not adduce the evidence and also could not subject himself to cross examination. He has further contended that it is settled law that before closing the evidence by order, learned trial Court is required to fore-warn the parties of the consequences of their non-appearance. He has argued that it is also the settled proposition of law that procedure is hand-maid of justice and cannot be used as an altar to sacrifice the substantial rights of the parties. He has urged that in case he is not granted an opportunity to lead his evidence, then the same would cause irreparable loss to him and therefore, he seeks indulgence of this Court for grant of one effective opportunity to lead his entire evidence.

5. I have heard learned counsel for the petitioner at length and have perused the pleadings on record.

6. Perusal of the impugned order reveals that the petitioner in spite of availing 11 effective opportunities including the last opportunity for concluding his evidence, failed to conclude his evidence and then it was closed by the trial Court vide the impugned order dated 15.10.2024 (Annexure P-8).



CR-220-2025 (O&M)

-3-

7. Though there is no infirmity in the impugned order, yet it will be appropriate, if in the interest of justice if one effective opportunity is given to the petitioner to conclude his entire evidence. The other party can be well compensated with costs. Therefore, the impugned order is set aside. The trial Court is directed to grant one effective opportunity to the petitioner to conclude his entire evidence at his own responsibility subject to payment of costs of Rs.10,000/- to be paid to the respondent.

8. Revision petition is allowed in the aforesaid terms.

9. Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

15.01.2025

harjeet

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |