

**128 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-2188-2025****Date of Decision: April 07, 2025****Naveen****...Petitioner****Versus**

Rekha and others

**...Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Vinay Kumar Begra, Advocate for the petitioner.**DEEPAK GUPTA, J.(Oral)**

Petitioner herein is plaintiff before learned Addl. Civil Judge (Sr. Divn.), Guhla, in a Civil Suit No.539 of 2020, titled as "***Naveen v. Rekha and others***". Issues in that case were settled on 03.02.2023 and despite availing as many as 11 opportunities, plaintiff failed to conclude the evidence. Compelled by the circumstances, his evidence was closed by the Court vide impugned order dated 19.02.2025 (Annexure P-2).

2. The aforesaid order has been assailed before this Court by way of present revision petition.

3. The limited prayer by learned counsel for the petitioner is to provide only one opportunity to the plaintiff-petitioner to conclude the evidence. It is stated that only two official witnesses were left to be examined, who were earlier served, but had not appeared as evident from the order dated 18.12.2024.

4. Heard.

5. Though the two official witnesses summoned by the Court for 18.12.2024, were not present despite their service, but the impugned order dated 19.02.2025 would reveal that both the witnesses were available through video conferencing. Counsel for the plaintiff had not appeared. The proxy counsel appearing for the main counsel expressed his inability to examine the witnesses through video conferencing and it was in these circumstances that the evidence was closed.

6. It is thus clear that it is the plaintiff who was at fault in not examining the witnesses despite availability.

7. Be that as it may, the present petition is hereby disposed of by directing the trial Court concerned to grant only one opportunity to the

petitioner to conclude his evidence, subject to ₹25,000/- as cost to be paid to the respondents-defendants by way of a demand draft. The trial Court shall fix a specific date for recording the evidence of the plaintiff. It will be the duty of the plaintiff to serve the concerned witnesses by taking *dasti* summons. Payment of cost shall be the condition precedent for recording the evidence

**April 07, 2025**

sarita

**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:  
Whether reportable:

Yes/No  
Yes/No