



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

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Civil Revision No.5616 of 2024**Date of decision :-04.02.2025****Pardeep Kumar Mehta****.....Petitioner****Versus****Kamlesh Chander Mahajan and another****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the petitioner.

Mr. Sumit Sinha, Advocate for the respondents.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 07.8.2024 (Annexure P-2) passed by the learned Additional Civil Judge (Sr. Divn.), Hoshiarpur, in Civil Suit No.638 of 2016, titled as 'Kamlesh Chander Mahajan vs. Pardeep Kumar Mehta etc.', vide which evidence of the petitioner has been closed by court order.

On 07.8.2024 the following impugned order was passed by the learned Additional Civil Judge (Sr. Divn.), Hoshiarpur :-

"In the last court proceedings, It has been duly recorded that the defendant has been persistently insisting examination of witness Vijay Bagga in his testimony. It had already come on record that the defendant had been unable to disclose the relevancy or otherwise of examination this witness in the present case. He was given an opportunity to disclose the



relevancy of examining this witness, however his counsel has apprised that his party states that he cannot disclose the relevancy to the court. There is no provision in the court wherein such request of the defendant could be entertained and furthermore, the averment of the defendant that he wants to keep the evidence of this witness confidential is without any basis. The defendant or his counsel have remained failed to disclose the relevancy of the witness to be recorded before this court. Certain documents have been tendered by the defendant on the record. Furthermore, an application was filed by the defendant which is there on the record that since he had filed revision petition before the Hon'ble High Court for challenging the order and that a long date be given to engage the counsel therein. However, perusal of the file reveals that there is no order passed by the Hon'ble High court staying the proceedings of the instant case at hand. Mere submission of the defendant that he intends to pursue with his revision and wants to engage the counsel, is no ground to grant adjournment in the present case. Perusal of the file reveals that numerous opportunities had already been granted to the defendant to lead his evidence, however he has failed to conclude the same. Thus, the contention of the defendant to seek adjournment to pursue with his revision petition is far-fetched. Thus, in light of the facts and circumstances of the present case, I do not deem it appropriate to adjourn the case for defendant evidence again and in light of the fact that he had already availed numerous opportunities to conclude his evidence, Accordingly, his evidence is closed by order. Now case is adjourned to 30.08.2024 for rebuttal evidence if any or for arguments.”



It is submitted in the petition that the witness namely Vijay Kumar Bagga, Clerk/Ahmad is a very important witness, who was summoned by the Court many times. Ultimately, the said witness appeared in the Court on 08.8.2023 at around 3:00 O'clock but the learned Court refused to record his statement. Thereafter the matter was adjourned time and again for recording the statement of the said witness but he had failed to appear. Thereafter vide order dated 30.7.2024 learned Court observed that the respondent has objected to examine the said witness and that the petitioner was unable to disclose the relevancy of the said witness and because of the said reason the evidence of the petitioner was closed and the impugned order dated 07.8.2024 (Annexure P-2) has been passed by the learned trial Court.

It is also pleaded that the petitioner would suffer irreparable loss if the impugned order dated 07.8.2024 (Annexure P-2) is not set aside.

At this stage, Mr. Sumit Sinha, Advocate has put in appearance and filed Power of Attorney on behalf of respondents. He submits that he has no objection in case the present petition is allowed.

Accordingly, keeping in view the above facts as canvassed in the petition, and the 'No Objection' of the learned counsel for the respondents in case the present petition is allowed, the impugned order dated 07.8.2024 (Annexure P-2) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to conclude his evidence.



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Disposed of as above.

Pending application(s), if any, stands disposed of.

February 04, 2025

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No