

**CR-6581-2018****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Sr. No.119****CR-6581-2018 (O&M)****Date of Decision: 27.03.2025****Kuldeep****...Petitioner****Versus****Birbal (since deceased) Through LRs.****...Respondent****CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN****Present:** Ms. D.P.S. Bajwa, Advocate
for the petitioner.Mr. Rajesh Nain, Advocate
for respondents No. 1 to 3.

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CM-7059-CII-2024 in/and CR-6581-2018

For the reasons recorded in the application, this Court is satisfied that the application has made a sufficient cause for non-appearance on 12.03.2024.

Resultantly, the revision petition is restored to its original number.

At this stage, with the consent of learned counsel for the parties, the main revision petition is taken up on Board today itself for final hearing.

Challenge in the present revision petition is to the order dated 16.08.2018 (Annexure P-7) passed by learned Additional Civil Judge (Sr. Division), Narwana, whereby evidence of the plaintiff was ordered to be closed by Court.



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Learned counsel for the petitioner refers to document Annexure P-6, to show that summons were served upon the witnesses. The plaintiff having performed his duty and being a vigilant litigant he cannot be accused of delaying the trial. He thus, submits that the impugned order dated 16.08.2028 cannot be sustained and the same may be set aside.

Perusal of the impugned order would reveal that on the said date, the plaintiff-petitioner tendered documents Ex.P4 to Ex.P7. There is nothing on record to suggest that a last opportunity was granted to the plaintiff-petitioner to bring the entire evidence or that any costs was imposed for having delayed in trial.

In view of the above, the impugned order dated 16.08.2018 is set aside and the plaintiff is granted one opportunity to lead his entire evidence. The next date in the civil suit is stated to be fixed for defendant's evidence for 17.04.2025. In order to make sure that the suit is not further delayed, the plaintiff is also granted liberty to produce copy of this order before learned trial Court on or before 04.04.2025, accompanied with an application. The trial Court on an application, filed by the plaintiff/petitioner, shall issue notice to the witnesses, sought to be examined by him for the next date i.e. 17.04.2025.

Disposed of accordingly.

**(PANKAJ JAIN)
JUDGE**

27.03.2025

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Whether speaking/reasoned? **Yes**

Whether reportable? **No**