



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

131**CR-2897-2025****Date of Decision: 13.05.2025****MAHESH YADAV****.....PETITIONER****Vs.****PINANK RAO AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is the defendant before learned Court of Civil Judge (Sr.Division), Rewari in Civil Suit No.CS-3029-2018 titled as 'Pinank Rao Vs. Kanha Food and Others'. He is aggrieved by the order dated 04.04.2025 (Annexure P-1), whereby trial Court has closed the evidence of the defendant-petitioner herein.

Assailing the order, learned counsel has drawn attention towards the order dated 10.08.2023 (Annexure P-2) revealing therein that DW-Mahesh Yadav Managing person of Kanha Food was present. His examination-in-chief was recorded, but cross examination was deferred at the request of counsel for the plaintiff. Learned counsel has then taken this Court through the subsequent orders passed by the trial Court from time to time revealing that on numerous dates said DW-Mahesh Yadav was present, but his cross examination was deferred at the request of counsel for the plaintiff and on many dates the local bar had gone on strike due to which cross examination of DW-Mahesh Yadav was not concluded. Learned counsel contends that in the circumstances the trial Court was not justified in closing the evidence of the defendants by merely noticing the number of opportunities and without taking note of fact as to at whose instance the matter had been adjourned.



Learned counsel for the petitioner further submits that petitioner will be satisfied in case one opportunity is provided to the petitioner-defendant to close the evidence as only DW-Mahesh Yadav is to be examined for the completion of his cross examination.

After hearing learned counsel and going through the paper book and without issuing any notice to the respondent, lest it may delay the proceedings, the present petition is hereby disposed of by setting aside the impugned order and by granting one opportunity to defendant-petitioner to conclude his evidence. Trial Court is directed to fix a particular date for examination of DW-Mahesh Yadav, subject to payment of ₹5,000/- as costs payable to the respondent-plaintiff through a bank draft. In case respondent feels aggrieved by the said order, he may approach this Court.

13.05.2025

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**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No