
(2010) 09 P&H CK 0396

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 5841 of 2010

Parnash Kaur and Others

APPELLANT

Vs

Kamaldeep Singh

RESPONDENT

Date of Decision: Sept. 13, 2010

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Judgement

Alok Singh, J.

Present petition is filed challenging order dated 16.8.2010 passed by Addl. Civil Judge (Sr. Divn.) Faridkot whereby evidence of defendants was closed.

2. Learned Counsel appearing for both sides fairly stated that DW-5, DW-6 and DW-7 were examined on 5.3.2010. It is further stated by both the counsel that on the next date of listing i.e. 2.4.2010, rest of the witnesses of defendant were not present, however, on 13.5.2010 learned Civil Judge passed order that he would be on casual leave so case was listed for 31.5.2010. It is further stated that on 31.5.2010, DW-2 and DW-3 were present in the Court, however, were not cross examined because DW-2 was not feeling well. Thereafter, on the next date of listing i.e. 30.7.2010 adjournment was sought and by the impugned order evidence of the defendant was closed.

3. The rule of procedure is that none of the party should be given walk over. A lis between the parties should be decided, as far as possible, on merit after giving reasonable opportunities to all the parties to place on record entire evidence.

4. In the peculiar facts and circumstances of the case, I am of the view that one last opportunity should be granted to defendant to produce all the witnesses for the cross examination before the trial Court on such date to be listed by trial Court. Defendant shall pay Rs. 10,000/- as costs to the plaintiff on the next date of hearing. Defendant shall also pay all the arrears of the cost which has not been paid till date on the next date of hearing. Parties shall appear before the trial Court on 20.9.2010.

On that date trial Court shall fix any date for examination of witnesses of defendant. On such date as fixed by trial Court, defendant shall produce all the witnesses who shall be examined on day to day or on future dates as fixed by trial Court. It is, however, made clear that no further adjournment shall be granted.

5. Petition stands disposed of accordingly.