

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

Civil Revision No.7954 of 2013

Date of decision: 21.12.2013

Mohan Singh

...Petitioner

Versus

Malkit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.K. Vadehra, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 14.11.2013, passed by the court below whereby evidence of the plaintiff/petitioner has been closed by order.

Learned counsel has assailed the order. According to him, plaintiff had deposited the diet money for appearance of a witness. However, trial court passed the impugned order closing evidence of plaintiff.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, a suit for possession by way of specific performance was filed by the plaintiff. He availed number of opportunities to conclude his evidence. Having failed to do so, trial court closed the evidence by order. Only plea taken before this court is that one opportunity may be granted to the plaintiff to conclude his evidence subject to payment of costs.

Keeping in view facts and circumstances of the case, I feel that plaintiff deserves one opportunity to conclude his evidence. Trial court shall, thus, afford one opportunity to the plaintiff for this purpose. Impugned order is, thus, set-aside. Revision petition is allowed. This, however, will be subject to payment of Rs.7000/- as costs to be remitted to the defendant. This order is being passed without notice to the defendant/respondent as this court is not entering into merits of the controversy.

(RAJAN GUPTA)
JUDGE

21.12.2013
'rajpal'