

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

**Civil Revision No. 3056 of 2015 (O&M)**

Date of decision : 11.5.2015

Didar Singh

.. Petitioner

versus

Amarjit Kaur

.. Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. Vikram Jeet Singh, Advocate, for the petitioner.

**Rajesh Bindal, J.**

Prayer in the present petition filed under Article 227 of the Constitution of India is for setting aside order dated 20.4.2015 (Annexure P-1) passed by the learned court below, whereby evidence of the petitioner/plaintiff was closed by order of the court.

The proceedings in the present case arise out of a suit filed by the petitioner for declaration and permanent injunction.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondent, as the same would unnecessarily delay not only disposal of the present petition but the suit as well.

Learned counsel for the petitioner submitted that after completion of pleadings, the issues were framed on 20.2.2014 and the evidence of the petitioner started. The petitioner examined himself as PW1 and three other witnesses. He further submitted that the petitioner is an old ailing person and his health was not good during past few months. Due to this reason he could not produce the evidence in Court. The petitioner has tried his best to conclude the evidence but due to reasons beyond his control, it could not be concluded. He submitted that on 20.4.2015 as no PW was present, the evidence of the petitioner was closed by order of the Court. He prays that in case one opportunity is granted, the petitioner will conclude his entire evidence.

Heard learned counsel for the petitioner and perused the paper book.

It is stated that the petitioner is an old ailing person and not keeping good health. It has been admitted by the petitioner that due to his ill health, he could not conclude his evidence despite sufficient opportunities having been granted.

Considering the aforesaid facts, in my opinion, the petitioner deserve to be granted one opportunity to conclude his evidence. The same shall be on a date of hearing to be fixed by the court below. The same shall be subject to payment of ₹ 5,000/- as cost to the respondent by way of demand draft. Payment of costs shall be pre-condition. The learned court below on the date fixed shall first grant opportunity to the petitioner to conclude his evidence and thereafter proceed further with the case. The impugned order passed by the learned court below is modified accordingly. If aggrieved, the respondent shall have right to file application for recalling the aforesaid order.

The revision petition is disposed of in the manner indicated above.

11.5.2015  
vs

( Rajesh Bindal )  
Judge