

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 3572 of 2015 (O&M)
Date of Decision: 25.05.2015

Nishan Singh

.....Petitioner

Vs.

Bhajan Kaur alias Bhanjo and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Premjit Kalia, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 30.04.2015, whereby evidence of the petitioner, was closed.

Learned counsel for the petitioner has submitted that the petitioner had deposited the requisite diet money to summon the official witnesses. However, the official witnesses could not appear in the Court as they were not available on the date fixed before the trial Court. Learned counsel for the petitioner has further submitted that only one opportunity be granted to the petitioner to enable him to conclude his evidence.

In the present case, respondents No. 1 to 3 have filed suit for declaration and joint possession. Keeping in view the submissions, made by learned counsel for the petitioner, it would just an expedient to grant one opportunity to the petitioner to enable him to conclude his evidence, so that the *lis* between the parties can be

disposed of on merits.

Accordingly, this petition is allowed. Impugned order dated 30.04.2015 is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to lead his evidence at his own risk and responsibility, subject to payment of ₹25,00/- as costs. Costs be deposited with Legal Services Authority, Tarn Taran. Thereafter, the trial Court shall further proceed with the case, in accordance with law.

**(SABINA)
JUDGE**

May 25, 2015
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