

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 4665 of 2015
Date of Decision: 27.07.2015.**

Dharam Singh

.....Petitioner

Versus

Randhir Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Sonia G. Singh, Advocate
for respondent No. 1.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 14.7.2015 (Annexure P-3) whereby evidence of the petitioner was closed.

Learned counsel for the petitioner has submitted that only one opportunity be granted to the petitioner to enable him to conclude his evidence. In fact, petitioner could not examine his witness on 14.7.2015 due to lack of communication between him and his counsel.

Learned counsel for respondent No. 1, on the other hand, has opposed the petition and has submitted that despite sufficient opportunity, petitioner had failed to conclude his evidence.

In the present case, petitioner has filed suit for permanent injunction. The case of the petitioner is that due to lack of communication with his counsel, he could not produce his evidence on 14.7.2015.

In these circumstances, it would be just and expedient to grant one opportunity to the petitioner to enable him to lead his evidence so that the *lis* between the parties can be disposed of on merits.

Accordingly, this petition is allowed. Impugned order dated 14.7.2015 (Annexure P-3) 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 ₹ 5,000/- as costs. Costs be disbursed to defendants No. 1 to 5 equally. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

July 27, 2015
Gurpreet