

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

Civil Revision No.5251 of 2015

Date of Decision: August 18, 2015

Shri Devi Dyal

.... Petitioner

vs.

Bharat Bhushan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 30.07.2015 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Karnal, vide which the evidence of the plaintiff-petitioner was closed by order.

Learned counsel for the petitioner contends that the plaintiff-petitioner is suffering from blood cancer. Two witnesses, namely Balbir Singh and Smt. Nanda wife of Balbir Singh were to be examined in evidence. Smt. Nanda was under labour pain. Therefore, she could not appear. The Court doubted the version of the plaintiff-petitioner and asked him to file the application along with the affidavit and medical proof for the exemption of the witnesses. The learned counsel filed the application but the plaintiff-petitioner could not contact his counsel as he was admitted in the hospital due to blood cancer.

Learned counsel for the petitioner has placed on file the certificate issued by Rajiv Gandhi Cancer Institute and Research Centre, New Delhi, showing that the plaintiff-petitioner is suffering from blood cancer of second stage and affidavits of Balbir Singh and Smt. Nanda to the effect that Smt. Nanda gave birth to a child on 06.08.2015.

The only contention of learned counsel for the petitioner is that only one opportunity be granted to the plaintiff-petitioner to conclude his evidence at his own risk and responsibility.

In these circumstances, without issuing notice to the opposite party, the present revision petition is allowed and the petitioner is granted only one opportunity to conclude his evidence at his own risk and responsibility by producing only said Balbir Singh and Smt. Nanda on the date fixed by the trial court for this purpose.

August 18, 2015
sarita

(KULDIP SINGH)
JUDGE