

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5284 of 2015 (O&M)

DATE OF DECISION : December 01, 2015

Malkit Kaur & ors.

..... PETITIONER(S)

VERSUS

Angrej singh & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Mr. K.S. Sidhu, Advocate, for the petitioners.
Mr. Narinder Singh, Advocate, for the respondents.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

CM-21547-CII-2015

For the reasons set out in the application, which is duly supported by an affidavit, the order dated 05.10.2015 is recalled and the revision petition is restored to its original number.

The application stands allowed.

Civil Revision No. 5284 of 2015

Vide order being assailed, dated 30.07.2015, rendered by Additional Civil Judge (Senior Division), Phul, evidence of the plaintiffs/petitioners had since been closed. The order reads as thus:-

“No PWs present despise the last chance. On perusal of file, it reveals that the plaintiff has already taken numerous opportunities. But fails to conclude entire evidence. No ground is made out to adjourn the case. Hence evidence of plaintiff is closed by order.

To come up on 21.8.2015 for DW evidence. PF/DM and list of witnesses if any, be filed within 7 days.”

Ex-facie, petitioners have been negligent and remiss in pursuing their cause, but it shall also be equally true that in case they are not granted two effective opportunities to lead and conclude their evidence, they shall not only suffer an incalculable loss but that might also result in miscarriage of justice. As regards the inconvenience and the delay caused, respondents could always be compensated by awarding suitable costs. Particularly, when defendants' evidence is yet to commence.

Learned counsel for the petitioners submits that he only intends to examine the witnesses that have been named and specified in paragraph 9 of the grounds of revision and none else.

That being so, the order dated 30.07.2015 is set aside and the revision petition is disposed of in the following

terms:-

1. plaintiffs/petitioners shall be entitled to two effective opportunities to lead and conclude their entire evidence, on the dates that shall be fixed by the trial court in this regard;
2. in the event the petitioners fail to conclude their entire evidence on the dates fixed, their evidence shall be deemed to have been closed and no further adjournment shall be granted; and
3. this, however shall be subject to ₹ 5000/- as costs, that shall be a condition precedent.

DECEMBER 01, 2015
Kang

(ARUN PALLI)
JUDGE