

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5536 of 2015

Date of Decision: 27.08.2015

Kulwant Singh and another

.....Petitioners

Vs.

Sardool Singh and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ashish Aggarwal, Advocate for the petitioners

RITU BAHRI, J. (ORAL)

This petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 10.08.2015 (Annexure P-4), where by an application filed by the petitioners for seeking permission to conclude their evidence has been declined and also for setting aside the impugned order dated 08.07.2015 (Annexure P-1) whereby the evidence of the petitioners have been closed.

A perusal of the order shows that the issues were framed in the suit on 10.12.2012 and after availing number of opportunities evidence was closed vide order dated 08.07.2015. At this stage, case of the petitioners was dismissed in default vide order dated 12.03.2014 and thereafter, on an application made for restoration was allowed on 04.03.2015 and the petitioners had availed number of opportunities to lead their evidence.

Since, the suit was restored on 04.03.2015, one effective opportunity can be granted to the petitioners to conclude their evidence. Hence, Impugned orders dated 08.07.2015 (Annexure P-1) and 10.08.2015 (Annexure P-4) are set aside and petitioners are granted one more opportunity to conclude their evidence subject to payment of Rs.5000/- to be deposited in the District Legal Service Authority, Tarn Taran.

(RITU BAHRI)
JUDGE

27.08.2015