

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5263 of 2014(O&M)
Date of decision : August 18, 2015

The Chairman Market Committee, U.T.Chandigarh and another
..... Petitioner

Versus

Subzimandi Fari Welfare Association and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. J. R. Syal, Advocate
for the petitioner.

None for the respondents.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

From the Memo of parties it is evident that respondent No.1 is the only contesting respondent. Respondent Nos. 2 and 3 are proforma respondents. There is no representation on behalf of respondent No.1.

The challenge in the present petition is to the orders dated 15.5.2014 and 31.5.2014 whereby the evidence of the petitioner-defendant has been closed and his examination-in-chief has been treated as nil on account of non-appearance on account of not offering for cross examination.

Learned counsel for the petitioner submits that in case one opportunity is granted, the petitioner shall complete the

evidence. He further submits that next date of hearing is 12.10.2015 and in case the orders aforementioned are set aside, no prejudice would be caused to the respondent-plaintiff.

There is no representation on behalf of the respondents.

I have heard learned counsel for the petitioner and appraised the paper book.

The prayer made by learned counsel for the petitioner is fair, legal and justified. No doubt that petitioner-defendant has taken numerous adjournments to complete his evidence. Not only his examination-in-chief has been treated nil but the entire evidence has been closed.

For the purpose of advancing justice to the parties, I deem it appropriate that the petitioner-defendant be given one more opportunity to conclude and lead entire evidence in accordance with law.

Accordingly the impugned orders are set aside. The trial court is directed to give one more opportunity to the petitioner-defendant to lead evidence in accordance with law.

The civil revision is allowed.

(AMIT RAWAL)
JUDGE

August 18 , 2015
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