

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

**Civil Revision No.5707 of 2015 (O&M)
Date of decision: 02.09.2015**

Ashwani Kumar

.....Petitioner

Versus

Jugal Kishore

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Wadhawan, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 31.07.2015 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Ludhiana, whereby evidence of the defendant-petitioner has been closed at the time of dismissing his application for framing of additional issues. Now the trial is fixed for rebuttal evidence and arguments.

A perusal of the zimni order dated 04.02.2015 shows that the evidence of plaintiff-respondent was closed on that date and the defendant-petitioner was granted time to give list of witnesses and deposit process fee/diet money. Thereafter, the defendant-petitioner could not appear before the Court and was proceeded against exparte. On 10.04.2015, the defendant-petitioner filed an application for setting aside the exparte proceedings, which was allowed vide order (Annexure-P3) and the case was adjourned to 27.04.2015 for evidence of defendant. On the next date, the petitioner moved an application for amendment of written statement, which was allowed vide order dated 08.05.2015 (Annexure P-4). Replication to the

amended written statement was filed by the plaintiff-respondent on 14.07.2015. The defendant-petitioner was granted two opportunities to lead evidence and thereafter, the impugned order was passed.

Keeping in view that the dispute is between close family relatives, this Court deems it appropriate to provide some time to the petitioner to complete his evidence.

In view of the above, the impugned order dated 31.07.2015 (Annexure P-5) is set aside and one effective opportunity is granted to the petitioner to conclude his evidence, subject to costs of Rs.5,000/- to be deposited with the Punjab State Legal Service Authority.

Allowed accordingly.

02.09.2015
ajp

(RITU BAHRI)
JUDGE