

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

**CR No. 5797 of 2014 (O&M)
Date of decision: 18.12.2015**

Pankaj Sibbal

... Petitioner

versus

Sajan Sibbal

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Varun Sharma, Advocate for the respondent.

K.Kannan, J.

The defendant who set up a Will said to have been executed by the father in an action for partition by the brother closed his evidence but later moved an application to let in evidence regarding the Will by examination of attesor. The Court has allowed it. The plaintiff is aggrieved that the defendant had availed nearly 13 opportunities, did not examine the witnesses and after closing the witness he cannot be permitted to reopen the same. I do not think there is any error in the order passed by the court below but for the inconvenience caused to the plaintiff of not being able to conclude the trial by the conduct of the defendant, I impose costs of Rs. 10,000/- to the respondent and direct the same to be paid to the plaintiff within two weeks from the date of the receipt of the copy of the order. If the amount is not paid, the order passed already shall stand restored.

With these observations, the revision petition is disposed of.

**(K.KANNAN)
JUDGE**

18.12.2015

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