

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 6199 of 2014

Date of decision:- 21.4.2015

Ranbir and anr

Petitioner

vs.

Rajpal

Respondent

Present: Mr. GS Duhan, Advocate.

M.M.S.BEDI,J.

This is defendant's revision petition in a suit filed by plaintiff-respondent for recovery, challenging order dated 4.9.2014 by virtue of which the application for recalling orders dated 1.7.2014, 11.7.2014 and 24.7.2014 has been dismissed. It appears that despite last opportunities having been granted to the defendant- petitioners and imposing cost, the defendant- petitioners failed to produce the evidence compelling the court to close the evidence of the defendant- petitioners by order.

Respondent-plaintiff has not put in appearance despite service in this revision petition.

Counsel for the petitioners submits that in case two effective opportunities are granted to the defendant- petitioners, they will conclude the evidence. He has also brought to the notice of the court that examination-in-chief in the shape of affidavit of petitioner No.1 Ranbir has already been recorded and he is yet to be cross-examined. Taking into consideration the fact that the plaintiff- respondent as a pauper has filed a suit for recovery against the petitioners, the petitioners deserve a fair opportunity to contest the suit by producing evidence. No doubt the petitioners have been casual and negligent in producing evidence but

ends of justice would be adequately met in case the defendant- petitioners are granted two effective opportunities to conclude their evidence at their own responsibility subject to payment of cost of Rs.2000/-.

The revision petition is allowed and the impugned order is set aside. It is ordered that irrespective of the orders dated 1.7.2014, 11.7.2014 and 24.7.2014 passed by the trial court, the defendant- petitioners will be given two effective opportunities to produce their entire evidence after the next date of hearing fixed before the trial court. The petitioners are directed to appear before the trial court on 16.5.2015 or on the date already fixed, which ever is later. The trial court shall give two effective opportunities to the petitioners subject to payment of cost of Rs.2000/- to the plaintiff-respondent. It is clarified that in case the petitioners fail to avail the opportunities, the present revision petition will be deemed to have been dismissed. In case of non payment of cost also, this revision petition will be deemed to have been dismissed. The cost will be offered on the next date of hearing or on 16.5.2015, which ever is later, before the trial court.

April 21 ,2015
TSM

(M.M.S.BEDI)
JUDGE