

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

DATE OF DECISION: OCTOBER 13, 2015

Arun Goyal and another

.....Petitioners

VERSUS

Anita Rani and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Deepali Puri, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision is to the order dated 30.09.2015 passed by the Civil Judge (Junior Division), Chandigarh, vide which the application of the petitioners, striking of the defence of respondent No.1- Anita Rani, has been dismissed.

It is the contention of counsel for the petitioners that once the evidence of the defendant has been closed on the statement given by her counsel, no further opportunity can be given to her to lead her evidence in defence. She contends that although an opportunity had been given to the petitioners by this Court to lead evidence but since no such permission was given by this Court, the trial Court could not have granted the respondents any opportunity to lead evidence.

This contention of learned counsel for the petitioners cannot be accepted in the light of the fact that the statement, which was suffered by counsel for the respondents to close evidence on their behalf was at a stage when the evidence of the petitioners had been struck down by the Court and it is thereafter that the revision petition was preferred by the petitioners wherein this Court granted an opportunity to them to lead evidence subject to costs. Once the petitioners have led their evidence, it is essential that the defendant-respondents should also be given opportunity to lead their evidence as their counsel had given the statement in the situation as it existed at that particular time and now since the situation has changed and some evidence has come on record on behalf of the petitioners, the respondents are also entitled to lead their evidence. The order dated 30.09.2015 passed by the learned Civil Judge (Junior Division), Chandigarh, thus, cannot be faulted with.

Finding no merit in the present petition, the same stands dismissed.

October 13, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE