

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

Civil Revision No.7050 of 2015
Date of Decision: October 19, 2015

Mann Singh

...Petitioner

Versus

Ajit Singh & Another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Naresh Kaushik, Advocate,
for Mr.Kulwant Singh Dhanora, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present revision petition is to the impugned order dated 7.10.2015, whereby the additional evidence of the petitioner-plaintiff, permitted in pursuance to the order dated 19.9.2015 (Annexure P2), has been closed by order.

Mr.Naresh Kaushik, learned counsel appearing on behalf of the petitioner-plaintiff submits that the application filed on behalf of the petitioner for seeking permission of the Court to lead evidence was allowed vide order dated 19.9.2015 (Annexure P-2) and the next date to lead the evidence was fixed as 7.10.2015. On the said date, no evidence of the petitioner-plaintiff was present and accordingly the impugned order has been passed, whereby the evidence of the petitioner has been closed and the matter has been listed for 19.10.2015 for tendering the documents of the defendant. He further submits that if one opportunity is granted, the petitioner-plaintiff shall examine only one witness and no prejudice would be caused to the other side.

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

It is a matter of record that vide order dated 19.9.2015, the petitioner-plaintiff was granted liberty to lead additional evidence and 7.10.2015 was the next date. On 7.10.2015, the petitioner-plaintiff did not examine any witness, which necessitated the Court to close his evidence and list the matter for tendering documents on behalf of the defendants.

In order to prevent the miscarriage of justice, I deem it appropriate to grant one opportunity to the petitioner-plaintiff to lead evidence in pursuance of order dated 19.9.2015, *ibid*, subject to payment of ₹5,000/- as costs, on a date to be fixed by the Court below.

Accordingly, the impugned order is hereby set-aside and the petitioner-plaintiff is granted one opportunity to lead evidence in support of his additional evidence subject to payment of ₹5,000/- aforementioned.

It is made clear that the costs shall be condition precedent as permitted to lead evidence.

The revision petition accordingly is disposed of.

October 19, 2015
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(AMIT RAWAL)
JUDGE