

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

**CR No.7347 of 2015
Date of decision: 03.11.2015**

Mangat Ram and another

....Petitioners

Versus

M/s. Druzba Overseas Private Limited

....Respondent

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Surinder Singh Kaliramna, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner/defendant has come up in revision for setting-aside the order dated 31.07.2015, passed by the Civil Judge (Sr. Division), Gurgaon, whereby the application of the petitioner-defendant for recording evidence on behalf of the petitioner-defendant by way of affidavit was dismissed.

A perusal of the order shows that the evidence of the petitioner/defendant was closed on 11.05.2015 and on that day one DW, namely, Basant Kumar was present and his statement was recorded and on account of absence of the counsel a date was requested. However, the trial Court while granting adjournment on 27.04.2015 has specifically ordered that if evidence on 11.05.2015

was not concluded then no further opportunity shall be granted for the defendant's evidence and the evidence of the defendant shall be deemed to be closed'. Thus, the evidence of the petitioner/defendant was closed on 11.05.2015 and the case was fixed for 07.07.2015, for rebuttal evidence and arguments.

The evidence of the petitioner/defendant was closed in the presence of the parties. However, keeping in view the fact that only one witness of the petitioner/defendant was required to be examined and he has to tender only some documents by way of affidavit, the order dated 31.07.2015, passed by the Civil Judge (Sr. Division), Gurgaon, is hereby set-aside and one opportunity is being granted to the petitioner/defendant to conclude his evidence, subject to payment of cost of Rs.5,000/- to be paid to the opposite party.

Allowed, accordingly.

(RITU BAHRI)
JUDGE

03.11.2015

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