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

CR-7351-2015

Date of decision : 03.11.2015

TALVINDER SINGH

...PETITIONER

VERSUS

RAMESH KUMAR

..RESPONDENT

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioner.

RITU BAHRI, J. (ORAL)

The defendant/petitioner has come in civil revision for setting aside the impugned order dated 14.10.2015 (Annexure P-6) passed by the learned Civil Judge (Junior Division), Bilaspur vide which the application under Section 151 of the Civil Procedure Code ('CPC' for short) for reopening the defendant's evidence and for further examination of the defendant's witness has been dismissed.

After framing of the issues and closing the evidence of the plaintiff, the case was fixed for 17.11.2014 for recording the evidence of the defendant. The defendant has availed four effective opportunities and thereafter, he was proceeded ex parte vide order dated 27.02.2015. On 09.07.2015, ex parte order dated 27.02.2015 was set aside and he was granted one last effective opportunity, subject to payment of ₹ 600/- as costs. On 07.08.2015, no documentary evidence of the defendant was present despite the last

opportunity and the defendant was made a request for another opportunity for concluding the evidence but the same was declined and the evidence of the defendant was closed. The case was adjourned to 14.08.2015 for rebuttal evidence and arguments.

Thereafter, the defendant has moved an application under Section 151 CPC for reopening the defendant's evidence and for further examination of the defendant's witness. While dismissing application for grant of one last opportunity to the defendant vide order dated 14.10.2015 (Annexure P-6), it has been observed that the ex parte order dated 27.02.2015 was set aside on 09.07.2015 and the defendant was granted one more effective opportunity. After setting aside the ex parte order dated 27.02.2015, the defendant has already availed two effective last opportunities.

Keeping in view the fact that counsel for the defendant will require to examine only two witnesses including his evidence, order dated 14.10.2015 is set aside and one effective opportunity is granted to conclude his evidence subject to the payment of ₹ 10,000/- as costs which is to be paid to the plaintiff/respondent.

The defendant is directed to appear before the Court on 10.11.2015.

The revision petition is allowed.

03.11.2015
yogesh

(RITU BAHRI)
JUDGE