

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7529 of 2015
Date of decision: 08.12.2015

Rahul Singhal

... Petitioner

Versus

Anita

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Manoj Chouhan, Advocate for the petitioner.

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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 16.10.2014, rendered by Additional Civil Judge (Sr. Divn.), Bahadurgarh, evidence of the plaintiff-petitioner had since been closed. The reasons recorded by the trial court, in support of its order, read as thus:

“File put up at 3:15 PM. One PW Mr. Rahul present for his evidence. However, his Ld. counsel failed to appear until 3:30 PM. Ld. counsel for the Defendant not present. Ld. counsel for the Plaintiff pressed upon to record his evidence immediately. However, he later on expressed inability due to paucity of time. Since, today was the third and last opportunity for recording the evidence by the Plaintiff and the number of opportunities left for recording the evidence by the Plaintiff were also

being reflected in every order sheet on every date of hearing, the evidence of the Plaintiff is hereby closed except that of the Plaintiff Mr. Rahul himself on 5.11.2014. Ld. counsel for the Plaintiff advised to appear in time in future.”

Undoubtedly, plaintiff-petitioner has been remiss in pursuing his cause, but it shall be equally true that in case, he is not afforded one effective opportunity to lead and conclude his entire evidence, he shall not only suffer an incalculable loss, but that might also result in miscarriage of justice. No doubt, the order under challenge was passed as back as on 16.10.2014, but learned counsel for the petitioner submits that so far only plaintiff Rahul Singhal has been examined and the respondent is yet to commence her evidence. As regards the inconvenience and the delay, it is submitted that respondent could always be compensated by awarding suitable costs.

That being so, and without issuance of any formal notice to the respondent to avert any further delay and expenses that she shall have to incur to defend these proceedings, the order dated 16.10.2014 is set aside and the revision petition is disposed of in the following terms:

i) Petitioner-plaintiff shall be granted one effective opportunity to lead and conclude his entire evidence on the date that shall be fixed by the trial court in this regard;

ii) In the event, petitioner fails to conclude his entire evidence, on the date fixed, his evidence would be deemed to have been closed. No further opportunity shall be granted;

iii) This, however, shall be subject to payment of costs of ₹ 10,000/-, that shall be condition precedent.

December 8, 2015
Rajan

(Arun Palli)
Judge