

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

**CR No.7820 of 2015
Date of decision: 20.11.2015**

Bhagat Singh

....Petitioner

Versus

Surinder Kaur through her LRs

....Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner/defendant has come up in revision for setting-aside the orders dated 15.04.2015 and 03.11.2015, passed by the Civil Judge (Sr. Division), Dera Bassi, whereby the evidence of the defendant has been closed.

A perusal of the impugned order shows that the plaintiff has concluded her evidence on 27.11.2014 and the case adjourned for defendant's evidence. The petitioner-defendant after availing three opportunities got examined himself on 19.02.2015 and he was cross-examined on the very next date i.e. 05.03.2015. Thereafter, after availing eight opportunities, he could not conclude his evidence and his evidence was closed on 15.04.2015.

Mohan Lal was sought to be examined on 20.04.2015 and the defendant appeared along with this witness. The case was listed for 30.04.2015 for rebuttal evidence and arguments and on the said date, the application for setting-aside the order dated 15.04.2015, has been filed, which has now been declined by the trial Court.

Learned counsel for the petitioner further informed that the entire dispute is with regard to re-payment of Rs.5,00,000/-, which was taken as loan by the present petitioner-defendant and an attempt was also made for an out of Court settlement by referring the matter to mediation, however it has failed.

Keeping in view the above facts and circumstances, the present revision petition is allowed and the orders dated 15.04.2015 and 03.11.2015, passed by the Civil Judge (Sr. Division), Dera Bassi, are hereby set-aside and one effective opportunity is being granted to the petitioner/defendant to examine the witness, namely, Mohan Lal, subject to payment of cost of Rs.2,000/- to be paid to the opposite party.

Disposed of, accordingly.

(RITU BAHRI)
JUDGE

20.11.2015

yakub