

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7626 of 2014 (O&M)
Date of Decision: 10.02.2015

Anirudh

...Petitioner

Versus

Kapoor Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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. M.S. Rana, Advocate
for the petitioner.

Mr. Vijay Kumar, Advocate
for the respondents.

R.P. Nagrath, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India seeking to set aside the order dated 27.10.2014 (Annexure P-3) passed by the learned trial Court whereby the learned trial Court has refused to grant further adjournment and evidence of petitioner was closed by order.

The petitioner filed a suit for permanent injunction which was decreed ex parte on 07.10.1994. Kapoor Singh, legal representative of Har Sarup-defendant filed an application under Order IX Rule 13 CPC for setting aside the ex parte decree. This

application was filed in the year 2010. The respondent-defendants have already closed the evidence but petitioner-plaintiff failed to produce evidence, despite four opportunities.

I have heard learned counsel for the parties, perused the impugned order and the paper book.

Learned counsel for the petitioner submits that given one opportunity to bring evidence, petitioner would lead entire evidence at responsibility and subject to the condition that may be imposed.

Looking into the facts and circumstances of the case, the instant petition is allowed and the impugned order is set aside, subject to payment of ₹ 15000/- as costs, which shall be paid to the respondents by way of bank draft on the date already fixed before the trial Court with a further condition that the petitioner would be granted only one opportunity to produce entire evidence at responsibility. Failure to comply with any of these conditions, the instant petition would be deemed to have been dismissed.

The instant petition stands disposed of in the terms indicated above.

(R.P. Nagrath)
Judge

10.02.2015
sk