

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

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**Civil Revision No.7923 of 2015(O & M)
Date of Decision:27.11.2015**

Attar Singh Mehlan(deceased) th.LRs.petitioners

Versus

Pardeep and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Sumit Sangwan, Advocate
for the petitioners

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 15.10.2015, rendered by Civil Judge (Junior Division), Bhiwani, evidence of the petitioners-defendants had since been closed. The order recorded by the trial Court, reads as thus:

“No DW is present. An adjournment requested by learned counsel for the defendant for remaining evidence. Heard. From perusal of file, it reveals that in the present case, defendant has already availed 7-8 effective opportunities to conclude its evidence but failed. There is no justification to further adjourn the case for defendant evidence, hence, evidence of defendant is closed by order of Court.”

Ex facie, the petitioners-defendants have been remiss and negligent in pursuing their cause. But it shall also be equally true that, in case, the petitioners-defendants are not granted one

effective opportunity to lead and conclude their evidence, they shall suffer an incalculable loss, which might result in miscarriage of justice, as well. As regards the inconvenience and the delay caused, respondents-plaintiffs could always be compensated by awarding a suitable cost.

That being so, the order dated 15.10.2015 is set aside and without issuing any formal notice to the respondents to avert any further delay and the expenses that they shall have to incur to defend these proceedings, the petition is disposed of, in the following terms:

1. Petitioners-defendants shall be granted one effective opportunity to lead and conclude their evidence, on the date, that shall be fixed, in this regard by the trial Court.
2. Petitioners-defendants, only intend to examine two witnesses i.e. Renu Sheoran and Kundan Lal Ralia, and they shall be permitted to examine these two witnesses only, on the date fixed.
3. In the event, petitioners-defendants fail to lead and conclude their evidence, their evidence shall be deemed to have been closed and no further adjournment shall be granted.
4. This, however, shall be subject to payment of ₹ 5000/- as costs, which shall be condition precedent.

27.11.2015

(ARUN PALLI)
JUDGE