

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7960 of 2015
Date of decision: 28.11.2015

Ashok Kumar

... Petitioner

Versus

Shri Ram Lila Sabha and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Pravindra Singh Chaudhan, 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 27.08.2015, rendered by Civil Judge (Jr. Divn.), Karnal, evidence of the petitioner had since been closed.

Learned counsel for the petitioner submits that the matter was fixed for petitioner's evidence on 27.08.2015 and the petitioner examined one of his witnesses on the said date. And, he had already examined two other witnesses on the previous dates. However, on account of his ill and failing health, the petitioner himself could not appear as his own witness on 27.08.2015. It is contended that in case the petitioner is not granted one effective opportunity to examine himself and conclude his evidence, he shall not only suffer an

incalculable loss, but that might result in miscarriage of justice. As regards the inconvenience and the delay caused, respondent-landlord could always be compensated by awarding the suitable costs.

That being so, the order dated 27.08.2015 is set aside, and without issuance of any formal notice to the respondents to avert any further delay and expenses that they shall have to incur to defend these proceedings, the revision petition is disposed of in the following terms:

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

ii) In case, petitioner fails to lead and conclude his evidence on the designated date, his evidence shall be deemed to have been closed and no further opportunity shall be granted;

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

November 28, 2015
Rajan

(Arun Palli)
Judge