

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

122

**Civil Revision No.8067 of 2015
Date of Decision:01.12.2015**

Sher Singh

....petitioner

Versus

Dhan Singh and others

.....respondents

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.Mukesh Yadav, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed dated 19.10.2015, rendered by Civil Judge (Jr.Divn), Mahendergarh, evidence of the petitioner-plaintiff had since been closed.

Ex facie, the petitioner has been extremely negligent and remiss in pursuing his cause but it shall equally be true that in case, he is not afforded one effective opportunity to lead and conclude his evidence, he shall not only suffer an incalculable loss but that might also result in miscarriage of justice as well. As regards the inconvenience and the delay caused, respondents could always be compensated by awarding a suitable costs.

Learned counsel for the petitioner submits that the only witnesses he wishes to examine are the ones who are already referred to in the impugned order and none other.

That being so, order dated 19.10.2015 is set aside, and without issuing any 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. Petitioner-plaintiff shall be granted only one effective opportunity to lead and conclude his evidence on the date that shall be fixed by the trial Court, in this regard.
2. In the event, the petitioner-plaintiff fails to conclude his evidence on the designated date, his evidence shall be deemed to have been closed and no further adjournment shall be granted.
3. This, however, shall be subject to payment of costs of ₹ 20,000/-, which shall be condition precedent.

01.12.2015
neenu

(ARUN PALLI)
JUDGE