

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

CR-8295-2015

Date of decision: 7.12.2015

Hans Raj and others

...Petitioners

Versus

Darshan Singh

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Aayush Gupta, Advocate for the petitioners

SNEH PRASHAR, J.

By filing the present revision petition under Article 227 of the Constitution of India, the petitioners prayed for setting aside the order dated 2.9.2015 passed by learned Civil Judge, Junior Division, Ludhiana vide which their evidence was closed by order and prayed for grant one last opportunity to lead their evidence.

The plaintiff-respondent filed a suit for permanent injunction seeking to restrain the defendants- petitioners from interfering in his possession and from making encroachment over the suit land. The petitioners-defendants filed written statement claiming to be co-sharers in joint possession of the suit land as the same has not yet been partitioned.

The submissions made by learned counsel for the

petitioners have been heard.

Learned counsel for the petitioners submitted that due to some communication gap between the petitioners and their counsel, they could not adduce their evidence. Learned trial court closed the evidence of the defendants/ petitioners by order even when they had not examined any witness. Submitting that non production of evidence will cause an irreparable loss to the petitioners, learned counsel prayed that just one last opportunity be granted to the petitioners on which they will produce their entire evidence.

To avoid unnecessary delay in the matter by issuing notice etc to the respondent, in my considered opinion, it will not cause any prejudice to the respondent, if one last opportunity is given to the defendants to lead their evidence. Needless to say that he will get adequate opportunity to rebut their evidence. Accordingly, without going into the merits of the case, in my considered opinion, it shall be expedient and in the interest of justice that one effective opportunity is given to the petitioners to adduce their evidence, which will also help the trial Court to better appreciate the issues involved and render substantial justice to the parties.

Accordingly, the present petition is allowed. The impugned order dated 2.9.2015 is set aside and the learned trial

Court is directed to grant one effective opportunity to the petitioners to lead their entire evidence, ocular and documentary, subject to deposit of Rs.5000/- as costs with the District legal Services Authority, Ludhiana.

It is made clear that if the petitioners fail to lead the evidence on the date so fixed by learned trial Court, no further opportunity shall be granted.

7.12.2015
gsv

(SNEH PRASHAR)
JUDGE