

**Civil Revision No.8512 of 2015
Date of Decision: 14.12.2015****Sanjay Kumar****...Petitioner-Defendant****Vs.****Prabhu Dayal and others****...Respondents-plaintiff.****CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr.Ivneet Singh Pabla, Advocate
for the petitioner-defendant.

Ritu Bahri, J. (Oral)

Challenge in this petition is to the order dated 13.05.2015 passed by the Civil Judge (Junior Division), Kurukshetra whereby evidence of the petitioner/defendant was closed by order and order dated 07.08.2015 whereby application filed by the petitioner for reviewing of the order dated 13.05.2015 has been dismissed.

In the present case, after availing 10 opportunities, the evidence of the plaintiff -respondent No.1 was closed on 27.01.2015 and thereafter, the case was adjourned to 23.02.2015 for evidence of defendants. However, the defendants have availed a number of opportunities including last opportunity but failed to conclude their evidence. Even cost of Rs.500/- was not deposited. Ultimately, vide order dated 13.05.2015, the evidence of defendant-petitioner was closed by order. Thereafter, the petitioner filed an application for reviewing the order dated 13.05.2015 which was dismissed on 07.08.2015 on the ground of limitation. While

dismissing the reviewing application, a cost of Rs.1,000/- was also imposed upon the petitioner.

The present suit has been filed by the plaintiff-respondent No.1 to the effect that he was the owner of the suit property on the basis of registered Sale Deed No.26 dated 05.04.1983 which was registered in the office of Sub-Registrar, Thanesar. The defendant has denied the aforesaid stand of the plaintiff.

In the given circumstances of the case, to impart justice to the parties, this Court is of the view that one effective opportunity has to be granted to the defendant-petitioner to lead his evidence as plaintiff-respondent No.1 had availed approximately 10 opportunities to conclude his evidence.

In view of the above, the impugned orders dated 13.05.2015 and 07.08.2015 are set aside and one effective opportunity is granted to the defendant-petitioner to lead his evidence subject to payment of Rs.10,000/- to be paid to the plaintiff.

Allowed accordingly.

14.12.2015
hemlata

(RITU BAHRI)
JUDGE