

220.

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

Civil Revision No.1448 of 2014

Date of decision:05.02.2016

& Civil Revision No.1451 of 2014

Sucha Singh

... Petitioner

versus

Tarlok Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.A.S.Bhatti, Advocate,
for the petitioner.

Mr. Vineet Sharma, Advocate,
for the respondent.

K.Kannan, J. (Oral)

1. Both the revision petitions are connected and they are disposed of by a common order.

2. The plaintiff's side was closed on an observation that several opportunities had been given and they were not utilized. It is a case of recovery of money on the basis of written undertaking given to the defendant. The defendant has denied having given any such undertaking. The plaintiff would require to examine the witnesses. He has not examined them. Under normal circumstances, I would not have made any intervention and more so in a situation where after the plaintiff's side was closed, the defendant had offered all the evidence.

3. Since the plaintiff was relying on a written document which is denied, it would be appropriate that he should have been given the benefit of evidence and for the indiscretion of not availing of several opportunities, I will impose a costs of ₹ 10,000/- in each case to be paid to the defendant within a period of 2 weeks, failing which, the order already passed will stand confirmed. If the amount is paid, the plaintiff shall be permitted to bring his witnesses on the day when the court posts it for evidence and conclude the evidence and after conclusion of evidence if the defendant wants to give any additional evidence apart from the evidence already given, the defendant will have such benefit as well.

4. The impugned order is set aside and the revision petitions are allowed on the above terms.

(K.KANNAN)
JUDGE

05.02.2016
sanjeev