

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

CR No. 2315 of 2016

Date of decision :24.08.2016

Mangat Ram and others

.....Petitioners

Versus

Narinderjit Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Vipin Mahajan, Advocate
for the petitioners.

None for the respondent.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred by the petitioners-defendants against the order dated 04.12.2015 passed by learned Civil Judge (Jr. Division), Gurdaspur, vide which the application moved by them for recalling the order dated 06.07.2015 vide which their evidence was closed has been dismissed.

2. Notice of this revision petition was issued to the respondents. Sh. Akash Sethi, Advocate has put in appearance on behalf of the respondent on 01.07.2016. But, he did not appear on the last date of hearing i.e. 04.08.2016

as well as today.

3. Learned counsel for the petitioner contended that his valuable rights are involved in the suit. The evidence of the petitioners has been closed only on the 4th date. In the interest of justice one opportunity may be given to the petitioners to produce their evidence.

4. I have duly considered the aforesaid contentions.

5. This fact is not disputed that total four opportunities have been awarded to the petitioners to adduced their evidence. On the 4th date i.e. 06.07.2015 evidence of the petitioners was closed. Even, the application filed by the petitioners to recall the order dated 06.07.2015 has been dismissed by the learned trial Court vide impugned order dated 04.12.2015.

6. Plaintiff-respondent has filed the suit for mandatory injunction directing the petitioners-defendants to handover the vacant possession of the land measuring 1 kanal 1 Marla on the ground that they were in illegal and unauthorized possession thereof. The petitioners have pleaded in their written statement that they have purchased the land in dispute from Harbhjan Singh after examining the revenue record whose title to the suit property was perfect and legal. They have also pleaded that they have raised huge construction by spending more than Rs. 30 lacs. Thus, certainly the valuable rights of the petitioners-defendants are

involved in the present suit. So, they should be granted fair and adequate opportunity to contest the suit.

7. Thus, keeping in view my aforesaid discussion, the present revision petition is hereby allowed. The impugned orders dated 04.12.2015 and 06.07.2015 passed by the learned trial Court are hereby set aside. The petitioners-defendants are granted one opportunity to adduce their evidence at their own responsibility subject to Rs. 5000/- as costs. The suit is stated to be listed before the learned trial Court on 29.08.2016. The petitioners will produce their evidence before the learned trial Court on the next date of hearing fixed by the learned trial Court after 29.08.2016.

24.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No