

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4161 of 2016
DATE OF DECISION: October 7,2016

Hari Ram

...Petitioner

versus

Smt.Shanti and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Devender Arya, Advocate for
Mr.Saurabh Dalal, Advocate for the petitioner.
Mr.Vikram Singh, Advocate for the respondents.

AMIT RAWAL, J.

The objector is petitioner before this Court. He is aggrieved of the order dated 20.5.2016 whereby his evidence was ordered to be closed.

The learned counsel for the petitioner submits that although vide order dated 19.1.2016 passed by this Court the petitioner was granted one opportunity to examine himself on the adjourned date before the trial Court imposing the condition to pay Rs.5,000/- as costs to the counsel appearing for the respondents and in compliance of the aforesaid order, the petitioner appeared before the trial Court on the adjourned date

i.e. 1.2.2016 and subsequently filed his affidavit in his examination-in-chief on 15.2.2016, but the evidence was not concluded on the premise that the arguing counsel was ill-health. However, the case was adjourned on one pretext or the other and the evidence of the objector-petitioner was not concluded and, therefore, an opportunity is sought for the aforesaid purpose.

After hearing the learned counsel for the parties, although I find no merit in the present revision petition, inasmuch as, the casual approach was adopted in concluding the evidence, but keeping in view the interest of justice, I deem it appropriate to grant one more opportunity to conclude the evidence by the petitioner.

Accordingly, the present revision petition is allowed. The order dated 20.5.2016 is set aside. The petitioner-objector is granted one more opportunity to conclude his evidence subject to payment of Rs.5,000/- as costs, to be paid to the respondents. The payment would be a condition precedent for concluding the evidence by the petitioner.

Needless to say that the petitioner either would examine himself on the adjourned date or the date fixed by the trial Court for the aforesaid purpose.

October 07,2016
KD

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No