

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

C.R. No. 4167 of 2016

Date of decision : 08.07.2016

Balbir Singh @ Billu

...Petitioner

V/s

Sewa Singh

...Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Divjyot S. Sandhu, Advocate for the petitioner.

RAJAN GUPTA J.

Challenge in the present petition is to order dated 07.04.2016 passed by Civil Judge (Jr. Division), Kapurthala whereby evidence of the defendant has been closed by order. Learned counsel for the petitioner at the outset submits that defendant was not aware of the date i.e. 07.04.2016 to which case was adjourned for his evidence. On the same day it was closed by order. He submits that if one opportunity is granted, defendant would lead the evidence at his own risk and costs.

Keeping in view facts and circumstances of the case, order dated 07.04.2016 is hereby set-aside. Trial court would grant one opportunity to the defendant to lead his evidence. This however, will be subject to payment of ₹7,000/- as costs. This court is conscious of the fact that revision petition is being disposed of without notice to the respondent-plaintiff. However, as costs have been imposed the necessity thereof is obviated.

Revision petition is allowed in these terms.

July 08, 2016

(RAJAN GUPTA)
JUDGE