

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

114

Civil Revision No.4536 of 2016
Date of Decision: August 19, 2016

Lal Dass through his Power of Attorney Smt. Parveen Joshi

...Petitioner

Versus

Tilak Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. Rohit Goswami, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 06.07.2016 passed by the Additional Civil Judge (Senior Division), Dasuya, whereby the evidence of the petitioner has been closed by order of the Court.

2. It is the contention of learned counsel for the petitioner that 06.07.2016 was declared a holiday initially on the occasion of Id-u'l-Fitr because of which he could not appear in the Court believing so, however, subsequently the holiday was postponed by a day and Id-u'l-Fitr was celebrated on 07.07.2016. Because of the confusion in this regard, the petitioner failed to produce the documentary evidence for which purpose the case was listed. He contends that the non-appearance of the petitioner was neither intentional nor deliberate but under a *bona fide* belief that 06.07.2016 has been declared a holiday. The counsel further prays that one opportunity to produce his documentary evidence may be granted by this Court and it could even be the next date of hearing before the trial Court i.e. 29.08.2016.

3. Learned counsel for the respondent, on the other hand, vehemently argues that various opportunities have been granted to the petitioner to lead his documentary evidence which he has failed to do and, therefore, the Court has rightly proceeded to close his documentary evidence by order dated 06.07.2016 and, therefore, no further opportunity is required to be given to the petitioner.

4. I have considered the submissions made by the counsel for the parties and am of the considered view that keeping in view the facts and circumstances of the present case, one opportunity deserves to be granted to the petitioner to produce his documentary evidence, as has been prayed for by the counsel for the petitioner and is, therefore, granted to him. The petitioner shall produce his complete documentary evidence on 29.08.2016 and no further opportunity shall be granted to the petitioner for the said purpose. This shall, however, be subject to payment of ₹10,000/- as costs to the respondent.

5. The petition stands disposed of with above observations.

August 19, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No