

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5163 of 2016 (O&M)
Date of decision:11.08.2016

Umesh Gupta

... Petitioner

Vs.

Harish Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Kunal Mulwani, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-defendant is aggrieved of the impugned order dated 15.07.2016 (Annexure P-4), whereby, his evidence has been closed by the Court order.

Mr. Kunal Mulwani, learned counsel appearing on behalf of the petitioner submits that in case, one opportunity is granted, subject to any terms and conditions which this Court deems fit, the petitioner will examine two witnesses and conclude the entire evidence on one date. He further submits that no prejudice would be caused to the respondents, who shall be compensated in terms of costs.

I have heard learned counsel for the petitioner and appraised the paper book.

No doubt, the petitioner-defendant had taken many adjournments to lead evidence and failed to do so, but I am of the view that the lis between the parties is required to be adjudicated on merits and not on

technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioner beyond the date fixed before the Court below to examine two witnesses and conclude entire evidence, if permissible in law, subject to payment of costs of ₹5,000/- which shall be a condition precedent, will be paid to the contesting respondents.

Accordingly, the revision petition stands allowed.

A photocopy of this order be given *dasti* to the learned counsel for the petitioner under the signatures of the Reader of this Court.

(AMIT RAWAL)
JUDGE

August 11, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No