

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

**CR No. 5759 of 2016 (O&M)
Date of decision: 5.9.2016**

Nachhattar Singh deceased through LRPetitioner.

Versus

Satinder Singh and orsRespondents.

CORAM: - HON'BLE MR. JUSTICE RAJAN GUPTA.

Present: - Mr. Harinder Pal Singh Ishar, Advocate for the petitioner.

Rajan Gupta, J.

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Challenge in the present writ petition is to the order dated 18.8.2016 (Annexure P-1) passed by learned court below whereby the evidence of the plaintiff was closed by order. Learned counsel for the petitioner submits that he could not conclude the evidence due to certain reasons beyond his control. He submits that one opportunity may be granted to conclude the evidence.

Learned court below held that plaintiff has availed numerous opportunities to conclude the evidence, as he failed to conclude the same learned court below was constrained to pass the impugned order.

Keeping in view the above facts and circumstances particularly the medical condition of the petitioner, one opportunity is granted to the petitioner to conclude his evidence. Therefore, the impugned order dated 18.8.2016 is set aside and present petition

is allowed.

This court is conscious of the fact that this order is being passed without notice to respondents. In view of the said fact, plaintiff-petitioner shall be liable to pay ₹ 7,000/- as costs to be remitted to defendants-respondents.

Allowed in the above terms.

(RAJAN GUPTA)
JUDGE

5.9.2016
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No