

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5814 of 2016 (O&M)

Date of decision:07.09.2016

Jagdish Chand

... Petitioner

Vs.

Sham Sunder

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. V.B.Aggarwal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the impugned order dated 12.08.2016, whereby, his evidence has been closed by the Court order.

Mr. V.B.Aggarwal, learned counsel appearing on behalf of the petitioner-plaintiff submits that in case, one opportunity is granted, subject to any terms and conditions which this Court deem fit, the petitioner will conclude the entire evidence. He further submits that no prejudice would be caused to the respondent, 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-plaintiff 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 before the Court below to conclude entire evidence, subject to payment of costs of ₹5,000/- to be paid to the contesting respondent, which shall be a condition precedent .

Accordingly, the revision petition stands allowed.

September 07, 2016

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No