

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-5907-2016

Date of Decision: October 20, 2016

Bahadur Singh and another

...Petitioners

Versus

Satpal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Kunal Mulwani, Advocate,
for the petitioners.

ARUN PALLI, J. (ORAL)

Vide order, that is being assailed, dated 3.8.2016, rendered by learned Civil Judge (Junior Division), Rewari, evidence of the petitioners' defence has since been closed by order, for despite twelve effective opportunities the petitioners failed to conclude their evidence as also to deposit the costs of Rs. 500/-.

Ex facie, the petitioners have been remiss and negligent in pursuing their cause. However, it is also true that they have already examined two of their witnesses, and in the event they are not provided one last opportunity to lead and conclude their entire evidence, they shall suffer an incalculable loss, which might also result in miscarriage of justice.

Therefore, without issuing any notice to the respondents to avert any further delay, and expenses that they shall have to incur to defend these proceedings, this petition is disposed of in the following terms:-

- (i) The Trial Court shall afford two effective opportunities to the petitioners to lead and conclude their evidence on the dates that shall

be fixed by the Trial Court in this regard.

- (ii) In the event, the petitioners fail to lead their remaining evidence on the dates so fixed, their evidence shall be deemed to have been closed and no further adjournment shall be granted.
- (iii) This, however, shall be subject to costs of Rs.3,000/-, which shall be the condition precedent and in addition to the costs of Rs.500/- which was required to be deposited with the District Legal Services Authority, Rewari, by the petitioners pursuant to the order of the Trial Court.

(ARUN PALLI)
JUDGE

October 20, 2016

Pk Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO