

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

Civil Revision No.5980 of 2016 (O&M)
Date of Decision: September 27th, 2016

Ram Karan Dass & others

...Petitioners

Versus

Sri Sanatan Dharam Mahabir Dal (Registered) Bathinda & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Abhinav Gupta, Advocate,
for the petitioners.

Mr.Sumeet Mahajan, Senior Advocate with
Mr.Kashish Garg, Advocate &
Mr.Amit Kohar, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

CM No.19386-CII of 2016

Prayer in the application is for early hearing of the present revision petition.

For the reasons mentioned in the application, the same is allowed. The revision petition is taken up for final hearing today.

Civil Revision No.5980 of 2016

Petitioners are aggrieved of the impugned order, whereby the application (Annexure P-10), seeking adjournment of the matter on the premise that two witnesses, namely, Ram Karan Dass and Prem Kumar Gupta could not be examined as the brother-in-law of Ram Karan Dass had expired on 23.8.2016 at Sir Ganga Ram Hospital, New Delhi, whereas Prem

Kumar Gupta was suffering from cardiac problem. The application, aforementioned, was accompanied by medical certificate (Annexure P-11). He submits that this Court in Civil Revision No.4905 of 2016, decided on 3.8.2016, gave liberty to the petitioners to lead their entire evidence subject to payment of ₹5,000/- as costs. In view of the aforementioned circumstances, the petitioners could not present themselves for the examination.

He also submits that the death occurred on 23.8.2016, therefore, the death certificate could not be attached as same is always issued few days after the death and, thus, prays for granting one opportunity in view of the peculiar and circumstances of the case subject to any terms and conditions which this Court may deem appropriate.

Mr.Sumeet Mahajan, learned Senior Counsel assisted by Mr.Kashish Garg, Advocate representing respondent No.1 submits that application Annexure P-10 is conspicuously wanting reasons with regard to the death of brother-in-law of Ram Karan Dass. Only one opportunity was granted to the petitioners to lead evidence, but failed to conclude their evidence. All these factors have been considered by the Court below in declining the application and, thus, urges this Court for dismissal of the revision petition.

I have heard the learned counsel for the parties, appraised the paper book.

Shorn of the unnecessary facts, the application was accompanied by only medical certificate, Annexure P-11. No doubt, death certificate was not attached, much less particulars were also absent. Be that as it may, once there was a demise in the family of the petitioners, the

dependents would be attending to the family commitment instead proceedings in the rent petition despite the fact that there was a time line granted by this Court subject to payment of costs. Copy of the death certificate is Annexure P-12.

Keeping in view the aforementioned facts and circumstances, I am of the view that petitioners may be given one opportunity to lead entire evidence on the next date to be given by the trial Court other than 28.9.2016, subject to payment of costs of ₹25,000/-, which shall be condition precedent. In case of non-payment of the costs, the impugned order shall be deemed to have been upheld.

Revision petitions stands allowed.

Copy of the order be given *dasti* to the learned counsel for the petitioners under the signatures of the Reader of this Court.

September 27th, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No