

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

CR No.6073 of 2016

Date of Decision: 6.10.2016

Pal Singh & anr.

.....Petitioners

Versus

Karam Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Nitin Jain, Advocate for the petitioners.

Mr. Deepak Sharma, Advocate for respondent No.1.

Darshan Singh, J. (Oral)

Learned counsel for the petitioners states that respondents No.2 to 26 are co-defendants of the petitioners and no relief has been claimed against them. So, their service is dispensed with.

2. The present revision petition has been preferred against the order dated 15.7.2016 vide which the evidence of the petitioners/defendants had been closed by order and the order dated 16.8.2016 passed by the learned trial Court vide which the application moved by the petitioners for recalling the order dated 15.7.2016 has been dismissed.

3. Learned counsel for the petitioners contended that the petitioners will conclude their entire evidence on two opportunities at their own responsibility within this very month. He pleaded that the valuable rights of the petitioners are involved in the suit as the plaintiff-respondent has challenged the number of sale deeds, exchange agreement and decrees.

4. Sh. Deepak Sharma, Advocate, learned counsel for respondent No.1 pleaded that though the petitioners have already availed sufficient opportunities yet he has no objection in granting some more time to the

petitioners to conclude their evidence subject to heavy costs and in the time bound manner.

5. The aforesaid contentions have been duly considered.

6. Learned counsel for the petitioners has pleaded for granting two opportunities to the petitioners to conclude their evidence at their own responsibility. There is no dispute that the valuable rights of the parties are involved in the present suit. The prayer made by learned counsel for the petitioners has also not been opposed by learned counsel for respondent No.1/plaintiff. He has simply pleaded that the petitioners should be burdened with heavy costs and they should produce the evidence in a time bound manner.

7. Thus, the present revision petition is hereby allowed. The petitioners are granted two opportunities to conclude their evidence purely at their own responsibility subject to ₹ 20,000/- as costs to be paid to the plaintiff in the trial Court before the start of the evidence. The petitioners will produce their evidence on 15.10.2016, the date already stated to be fixed before the trial Court in the main suit and thereafter, the second opportunity shall be granted by the learned trial Court as per its convenience within a period of 15 days from 15.10.2016.

8. As the main suit is already fixed before the learned trial Court on 15.10.2016, a short date, so, the copy of this order be supplied to learned counsel for the parties under the signatures of the Court Secretary.

October 06, 2016
ps

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No