

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

270

Civil Revision No.6381 of 2016 (O&M)

Date of Decision: September 27, 2016

BHUPINDER SINGH

-PETITIONER

VERSUS

SARABJIT SINGH AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Saravpreet Gurna, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Pursuant to notice of motion, Mr. Mayank Mathur,
Advocate appeared on behalf of respondents No.1 to 3 and
Mr.Rajbir Singh Guron, Advocate appeared on behalf of
respondent No.4.

Petitioner has assailed order dated 16.08.2016
passed by Addl. Civil Judge (Senior Division) Patiala, whereby
the evidence of the plaintiff-petitioner was closed by order and
also the order dated 07.09.2016 whereby the application for re-
caling the said order was dismissed.

While issuing notice of motion on 24.09.2016, this Court pass the following order:-

“Learned counsel for the petitioner contends that though there cannot be any justifiable reasons to project bona fide of the petitioner, but keeping in view the surgery of knee replacement of the plaintiff on 16.08.2016 and advise given by Doctor to take complete rest, prayer may be considered for grant of one last opportunity to conclude the evidence subject to adequate costs.

Notice of motion for 27.09.2016.

Dasti as well.

To be taken up after urgent list.”

It was noticed by the trial Court in the order dated 07.09.2016 that number of effective opportunities were availed by the plaintiff to conclude his evidence but he could not do so despite the time granted to him including imposition of costs. Issues were framed in this case on 21.01.2014. Different costs were imposed on 21.07.2016, 03.08.2016 and 18.08.2016 which according to learned counsel for the petitioner already stood

paid. It was also noticed by the trial Court that as per medical report, the plaintiff was admitted in the hospital on 26.07.2016 and was discharged on 02.08.2016.

Keeping in view the nature of ailment i.e. knee replacement, the petitioner was sufficiently prevented from coming to Court on subsequent occasions.

Having considered the facts and circumstances on record, learned counsel for the petitioner intended to avail one last opportunity subject to payment of adequate costs for leading entire evidence of the plaintiff on his own responsibility.

Learned counsel appearing on behalf of respondents No.1 to 3 submits that the petitioner be bound down for only one last opportunity on his own responsibility with a clear understanding that no further opportunity shall be given by the trial Court.

In view of ailment of the plaintiff on record and the costs imposed by the trial Court having been made good by the petitioner, I deem it appropriate to grant one last opportunity to

the plaintiff-petitioner to adduce his entire evidence on his own responsibility on a date to be fixed by the trial Court with the concurrence of both the parties. However, the opportunity would be granted by the trial Court subject to payment of Rs.10,000/- as costs. Payment of costs shall be the condition precedent for granting indulgence by the trial Court.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

September 27, 2016

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No