

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7066 of 2016 (O&M)

Date of Decision: October 21st, 2016

Manohar Lal through his L.R.Vivek Chaudhary

...Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Arvind Rajotia, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 4.10.2016, whereby his evidence has been closed by order.

Mr.Arvind Rajotia, learned counsel for the petitioner-plaintiff submits that the petitioner moved an application for permission to lead secondary evidence, but the same was dismissed vide order dated 24.1.2013. The petitioner challenged the said order by filing CR No.647 of 2013, which was disposed of vide order dated 3.12.2015. On 26.3.2016, the plaintiff died and application for impleading his son as legal heir was allowed the case was listed for secondary evidence, but the same has been closed by order. He submits that for the last six dates, the respondent-defendant had been taking adjournments. In case, one opportunity is granted, he will lead secondary evidence on any terms and conditions which this Court deems fit.

I have heard the learned counsel for the petitioner-plaintiff and

appraised the paper book.

In order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant one effective opportunity to the petitioner to lead secondary evidence subject to payment of ₹5,000/- as costs, which shall be condition precedent. If the costs is not paid as directed, the order passed by the Court below shall stand restored.

Revision petition stands allowed.

October 21st, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No