

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

Civil Revision No.7628 of 2016

Date of decision : 11.11.2016

Gian Chand

.....Petitioner

Versus

Bhagwant Rai

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Mohd Yousaf, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 17.10.2016 passed by the learned Civil Judge (Junior Division), Malerkotla, vide which the application of the respondent-defendant to recall the order dated 05.07.2016 has been allowed.

2. Learned counsel for the petitioner-plaintiff contended that the evidence of the respondent-defendant was closed by the trial Court after affording sufficient opportunities. Even the costs imposed by the learned trial Court were not paid by the respondent-defendant. So, there was no reason to recall the order dated 05.07.2016 whereby the evidence of the respondent-defendant was closed. Thus, he contended that the impugned order is illegal.

3. I have duly considered the aforesaid contentions.

4. I do not find any substance in the contentions raised by learned counsel for the petitioner-plaintiff. It is evident from the impugned order that the evidence of the respondent-defendant was closed by the Court by order on 05.07.2016 as the witnesses of the respondent-defendant were not present. Even the costs imposed by the learned trial Court were not deposited. Thereafter, the respondent-defendant has moved an application for recalling the said order. The learned trial Court on appreciating the facts mentioned in the application recalled the order dated 05.07.2016 and granted one opportunity to the respondent-defendant to lead the evidence, failing which it was specifically mentioned that no further opportunity will be provided. The respondent-defendant was also burdened with a costs of Rs.2000/-. So, the discretion exercised by the learned trial Court does not call for any interference.

5. Hence, the present revision petition being without any merits is hereby dismissed.

11.11.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No