

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1 of 2017 (O&M)
Date of Decision : 20.09.2017

PUNJAB STATE WAREHOUSING CORPORATION AND
ANOTHER

....PETITIONERS

VERSUS

BHUPINDER SINGH

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH
MALIK

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

Mr. S.K. Arya, Advocate for
Mr. Bhupinder Singh, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, JUDGE (ORAL)

Instant civil revision under Article 227 of the Constitution of India, filed at the hands of plaintiffs, is directed against the order dated 01.11.2016, passed by the learned trial Court, whereby evidence of plaintiff was closed by Court order.

Notice of motion was issued and passing of final order was stayed.

Heard learned counsel for the parties.

Learned counsel for the petitioners, at the very outset, fairly states that although the petitioners-plaintiffs ought to have been more careful and vigilant to conclude their evidence in time, yet, in the totality of the facts and circumstances of the case and also to avoid miscarriage of

justice, they deserve to be granted one more opportunity, to enable them to conclude their remaining evidence, subject to payment of reasonable amount of costs.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that the abovesaid submission made by learned counsel for the petitioners is well justified and the same deserves to be accepted.

It is so said because rules of procedure are meant for advancing of cause justice. Further, granting one more opportunity to the plaintiff-petitioners will not cause any harm or prejudice to the defendant-respondent. The defendant can be duly compensated by payment of reasonable amount of costs. Since the learned trial court could not appreciate the peculiar fact situation obtaining on record of the present case, the impugned order has caused manifest injustice to the petitioners because of which, the same cannot be sustained.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noticed above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order has been found suffering from patent illegality, it cannot be sustained.

Accordingly, the impugned order dated 01.11.2016 passed by the learned trial Court is hereby set aside. Learned trial Court is directed to grant one more opportunity to the plaintiff-petitioners to conclude their remaining evidence, however, subject to payment of Rs.5,000/- as costs to the defendant-respondent on or before the next date of hearing before

the learned trial Court.

Resultantly, with the abovesaid observations made and directions issued, the present revision petition stands allowed in the abovesaid terms.

(RAMESHWAR SINGH MALIK)
JUDGE

September 20, 2017
rajneesh

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