

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1241 of 2017(O&M)
Date of decision : 20.02.2017

Om Parkash

..... Petitioner

versus

Smt.Santosh Kumari and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms.Deepa Jain, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Vide order that is being assailed dated 12.10.2016, rendered by Additional Civil Judge (Senior Division), Barnala, evidence of the petitioner-plaintiff had since been closed. An application seeking recalling of the said order was also dismissed by the trial Court vide order dated 27.01.2017 and that is how the plaintiff is before this Court.

Ex facie the plaintiff has been completely remiss and negligent in pursuing his cause. But it is equally true that in the event he is not afforded another opportunity to lead and conclude his evidence, he would suffer an incalculable loss, which might also result in miscarriage of justice. That being so and without issuing notice to the respondents, to avert any further delay and the expenses that they shall have to incur to defend these proceedings, the impugned orders dated 12.10.2016 and 27.01.2017 are set aside. And the revision petition is disposed of in the following terms:-

(i) Learned trial Court shall grant two effective opportunities to the

plaintiff to lead and conclude his entire evidence on the dates which shall be specified in this regard;

(ii) In the event the plaintiff fails to lead his evidence on the date so specified, his evidence shall be deemed to have been closed and the matter shall not be adjourned at any cost;

(iii) This, however, shall be subject to payment of costs of Rs. 15,000/- which shall be condition precedent.

**(ARUN PALLI)
JUDGE**

February 20, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No