

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

114

Civil Revision No.1424 of 2017

Date of Decision:28.02.2017

Raj Kumar Mehta and another

....petitioners

Versus

Prem Chand Mehta and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Vinod Khunger, Advocate
for the petitioners

ARUN PALLI, J. (ORAL):

Vide order, being assailed, dated 02.11.2016, rendered by the Additional Civil Judge (Sr.Divn.), Ferozepur, evidence of the petitioners i.e.defendants No.3 and 24, has since been closed by order.

Records show that despite numerous opportunities, the petitioners failed to lead and conclude their evidence. Ex facie, the petitioners have been remiss and negligent in pursuing their cause, but it shall be also true that in the event, they are not afforded another opportunity to lead their evidence, they shall not only suffer an incalculable loss, but that might also result in miscarriage of justice. Therefore, without issuing any notice to the respondents, to avert any further delay, and the expenses that they shall have to incur to defend these proceedings, the impugned order dated 02.11.2016 is set aside.

The revision petition is disposed of in the following terms:

1. The petitioners shall be afforded two effective opportunities to lead and conclude their evidence, on the dates that shall be specified by the trial Court.

2. In the event of default, the matter shall not be adjourned at any cost, and the evidence of the petitioners shall be deemed to have been closed.

3. This, however, shall be subject to payment of ₹ 10,000/- as costs that shall be condition precedent.

February 28, 2017
neenu

(ARUN PALLI)
JUDGE