

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

CR No.1751 of 2017

Date of decision: 10.03.2017

Harpinder Singh and another

... Petitioners

Versus

Raghubir Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Veneet Sharma, Advocate for the petitioners.

ARUN PALLI J. (Oral)

Vide order dated 17.01.2017 (Annexure P3), that is being assailed, rendered by the Civil Judge (Jr. Divn.), Ajnala, the evidence of the petitioners-plaintiffs has since been closed by order.

Ex facie, the petitioners have been remiss and negligent to pursue their cause, for despite repeated opportunities they had failed to lead any evidence. But this shall also be true that, in case, they are not afforded an effective opportunity to lead and conclude their evidence, they shall not only suffer an incalculable loss, but that might also result in miscarriage of justice. That being so, 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 order dated 17.01.2017 (Annexure P3) is set aside. And, the revision petition is disposed of in the following terms:

i) The petitioners shall be afforded two effective opportunities to lead and conclude their entire evidence on the dates that shall be specified by the trial court in this regard;

ii) In the event of default, evidence of the petitioners 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 ₹ 15,000/- that shall be condition precedent.

(Arun Palli)
Judge

March 10, 2017
Rajan