

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

C.R. No. 1828 of 2017

Date of Decision: March 15, 2017.

Mohan Singh

....Petitioner

Versus

Sewa Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.Rakesh Gupta, Advocate, for the petitioner.

Rajan Gupta, J (Oral)

Present revision is directed against the order passed by Additional Civil Judge (Sr.Div.), Rajpura whereby evidence of the plaintiff has been closed by order.

Learned counsel for the petitioner has referred to various zimni orders. He submits that petitioner was not lax in pursuing the case. He examined his witnesses on various dates. However, plaintiff himself and draftsman could not step into the witness box. Their evidence is necessary for arriving at just decision of the suit. Suit is for separate possession by way of partition in a double storyed house situated in Rajpura.

Keeping in views the facts and circumstances of the case, I am of the view that one opportunity needs to be granted to the petitioner to conclude his evidence at his own risk and costs. Under the circumstances, present revision is allowed and impugned order is hereby set-aside. Trial court would grant one opportunity to plaintiff to conclude his evidence. This court is conscious of the fact that revision is being allowed without notice to the respondents. In view of same, petitioner shall be required to compensate the respondents by paying costs of Rs.12,000/-

(Rajan Gupta)
Judge

March 15, 2017.

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No