

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

CR No.1944 of 2017

Date of decision: 17.03.2017

Avtar Singh

... Petitioner

Versus

Mahanta Singh (deceased) through LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. SK Arora, Advocate for the petitioner.

ARUN PALLI J. (Oral)

Vide order dated 27.02.2017 (Annexure P1), that is being assailed, the evidence of the petitioner-defendant has since been closed by order.

No doubt, the petitioner has been remiss in pursuing his cause, but it shall be equally true that in the event he is not granted one effective opportunity to lead and conclude his evidence, he 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 he shall have to incur to defend these proceedings, the order dated 27.02.2017 (Annexure P1) is set aside. And, the revision petition is disposed of in the following terms:

i) The petitioner shall be granted one effective opportunity to lead and conclude his entire evidence on the date that shall be fixed by the trial court in this regard;

ii) In the event of default, evidence of the petitioner shall be deemed to have been closed and no further opportunity shall be granted at any cost; and

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

(Arun Palli)
Judge

March 17, 2017
Rajan