

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-228-2017 (O&M)

Date of Decision: January 20, 2017

Sushil Kumar

...Petitioner

Versus

Neelam Kumari

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Chopra, Advocate,
for the petitioner.

ARUN PALLI, J. (ORAL)

Vide order being assailed, dated 9.3.2016 (Annexure P-1), rendered by learned Civil Judge (Junior Division), Ludhiana, oral evidence of the petitioner has since been closed by order. Even the application seeking recalling of the said order and affording another opportunity to the petitioner to lead his evidence, has also been dismissed, vide order dated 7.11.2016 (Annexure P-2).

Ex facie, the petitioner-defendant has been remiss and negligent in pursuing his cause. But, it is also true that in the event he is not afforded one effective opportunity to lead and conclude his entire evidence, he shall not only suffer an incalculable loss but that might also result in miscarriage of justice.

That being so and without issuing any formal notice to the respondent, to avert any further delay and the expenses that she will have to incur to defend these proceedings, the orders that are being assailed in this petition, are set aside and the revision petition is disposed of in the following

terms:-

- (i) The petitioner-defendant shall be afforded one effective opportunity to lead and conclude his entire evidence on the date that shall be fixed by the Trial Court.
- (ii) In the event of default, evidence of the petitioner-defendant shall be deemed to have been closed and no further adjournment shall be granted.
- (iii) The petitioner-defendant shall have to lead his entire evidence at his own responsibility without any aid and assistance of the process of the Court.
- (iv) This, however, shall be subject to Rs.15,000/- as costs that shall be the condition precedent.

(ARUN PALLI)
JUDGE

January 20, 2017
Pkapoor

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO