

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

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**Civil Revision No.231 of 2017(O & M)
Date of Decision:17.01.2017**

Rashwinder Singh

....petitioner

Versus

Gurpreet Singh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.R.S.Rana, Advocate for the petitioner

ARUN PALLI, J. (ORAL):

CM No.584-CII of 2017

Application is allowed as prayed for.

Civil Revision No.231 of 2017

Vide orders being assailed, dated 21.12.2016 and 06.01.2017, passed by Civil Judge(Sr.Divn.), Nabha, evidence of the plaintiff-petitioner has since been closed by order.

Records show that the plaintiff-petitioner was afforded 36 opportunities, but he still failed to conclude his evidence. Apparently, the plaintiff-petitioner has been remiss and negligent in pursuing his cause. However, it is equally true that, in case, he is not granted one adequate opportunity to lead and conclude his evidence, he shall suffer an incalculable loss, which 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 he shall have to incur to defend these proceedings, the orders dated 21.12.2016 and 06.01.2017, are set aside.

The revision petition is disposed of in the following terms:

1. That the plaintiff-petitioner shall be afforded one adequate opportunity to lead and conclude his entire evidence, on the date, that shall be fixed by the trial Court, in this regard.
2. In the event, the plaintiff-petitioner fails to conclude his evidence on the specified date, his evidence shall be deemed to have been closed and no further adjournment shall be granted.
3. The plaintiff-petitioner shall lead evidence, at his own responsibility, without any aid or assistance of the Court.
4. This, however, shall be subject to payment of ₹ 5000/- as costs, which shall be condition precedent.

January 17, 2017
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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No