

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

298

CR-2598-2017

Rahul Chauhan

.....Petitioner

Versus

Rajinder Kumar and another

.....Respondents

CR-2599-2017

Rahul Chauhan

.....Petitioner

Versus

Rajinder Kumar and others

.....Respondents

Date of Decision:26.07.2017

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

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

Mr.Pardeep Rajput, Advocate,
for the respondents.

RAMESHWAR SINGH MALIK, J.(Oral)

These two identical revision petitions are being disposed of, vide this common order, as both these cases are arising out of similar set of facts and are between the same parties. Both these revision petitions are directed against the orders passed by the learned trial court, whereby evidence of the plaintiff was closed by court order.

Notice of motion was issued.

Heard learned counsel for the parties.

Learned counsel for the petitioner has rightly pointed out that

although the petitioner ought to have been more vigilant in concluding his

evidence in affirmative, however, in the totality of facts and circumstances of the case, one last and final opportunity may be granted to the petitioner-plaintiff to conclude his remaining evidence, so as to avoid miscarriage of justice. He also fairly states that petitioner-plaintiff is ready to pay a reasonable amount of costs, so as to compensate the defendants-respondents.

Faced with the above, learned counsel for the respondents could not raise any plausible objection to the abovesaid fair statement made by learned counsel for the petitioner and rightly so, it being a matter of record.

In view of the above, both these revision petitions are disposed of by setting aside the impugned orders and granting one last and final opportunity to the petitioner-plaintiff to conclude his remaining evidence, however, subject to payment of ₹5,000/- as costs in each of the revision petition to be paid by the petitioner-plaintiff to the defendants before the learned trial court on or before the next date of hearing.

It is also made clear that if the plaintiff shall remain unable to conclude his remaining evidence, he shall not be granted any further indulgence by the learned trial court. Let one effective opportunity be granted to the petitioner to conclude his remaining evidence.

Resultantly, with the above-said observations made and directions issued, both the revision petitions stand disposed of.

July 26, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No