

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

**Civil Revision No.3713 of 2017 (O&M)
Date of decision: 20.11.2017**

Anju Bala and another

.....Petitioners

Versus

Rajbir and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Yowan Sharma, Advocate,
for the petitioners.

Mr. Anuj Balian, Advocate,
for respondent No.1.

Ritu Bahri, J.

Challenge in this petition is to the order dated 10.01.2017 (Annexure P-5) passed by the Civil Judge (Junior Division), Kalka, whereby evidence of defendants-petitioners has been closed by order and order dated 03.05.2017, whereby application for recalling of the aforesaid order has been dismissed.

A perusal of the impugned order dated 10.01.2017 (Annexure P-5) shows that defendant-petitioners had availed eight effective opportunities, but they had failed to conclude their evidence.

Learned counsel for the petitioners has stated that counsel representing the defendant-petitioners before the trial Court, had met with

an accident, therefore, he could not proceed with the case.

In the given circumstances of the case, to impart complete justice to the parties, it would be appropriate, if adequate opportunity is provided to the parties to lead their evidence.

Accordingly, the impugned orders dated 10.01.2017 & 03.05.2017 are set aside and trial Court is directed to provide one effective opportunity to defendants-petitioner to conclude their evidence, subject to payment of costs of Rs.5000/- to plaintiff-respondent No.1.

Allowed accordingly.

20.11.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No