

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.3806 of 2017
DECIDED ON: May 25, 2017

VINOD KUMAR AND ANOTHER

.....PETITIONERS...

VERSUS

SMT. PHOOLA DEVI AND ANOTHER

....RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ajay Vijarana, Advocate
for the petitioners.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 227 of the Constitution of India, the petitioners have sought setting aside of impugned order dated 12.04.2017 (Annexure P-1) passed by Civil Judge, Junior Division, Mohindergarh, in Civil Suit No.5 of 14.01.2014, whereby the evidence of the petitioners-plaintiffs has been closed by the orders of the Court.

2. Perusal of file reveals that prior to passing of order dated 12.04.2017, the case was listed on 25.03.2017 for the evidence of the petitioners-plaintiffs but that day was declared holiday. As such, the case was taken up on 27.03.2017 and it was adjourned to 12.04.2017 as a last opportunity to the petitioners-plaintiffs to adduce and conclude their evidence.

3. The contention of learned counsel for the petitioners is that due to lack of communication, the entire evidence could not be brought by the

petitioners to the court and they only intend to examine one of the petitioners-plaintiffs and Mr. Daler, one of attesting witnesses of the agreement to sell in question. He further submits that, in case, one opportunity is afforded to the petitioners, they will conclude the evidence.

4. This Court is of the considered view that in case, the petitioners-plaintiffs are not afforded an opportunity to adduce and conclude their evidence and to examine one of the plaintiffs as well as attesting witness of the agreement to sell, the rights of the petitioners are likely to greatly prejudiced.

5. Keeping in view the aforesaid aspect of the case, the instant petition is disposed of with the direction to the trial court to afford one effective opportunity to the petitioners-plaintiffs for examination of one of the plaintiffs and Mr. Daler-attesting witness of agreement to sell in question and then to proceed with the suit for disposal in accordance with law.

May 25, 2017
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No