

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.49 of 2017 (O&M)

Date of decision:- January 11, 2017

ATTAR SINGH THROUGH HIS LRs

....PETITIONERS..

VS.

STATE OF HARYANA AND OTHERS

....RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ashish Gupta, Advocate,
for the petitioners.

JASPAL SINGH, J. (Oral)

By virtue of instant civil revision petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 10.10.2016 (Annexure P-3) passed by Id. Additional Civil Judge (Senior Division), Karnal whereby evidence of the plaintiffs-petitioners has been closed by the Court's order.

2. Though, it has emerged from the record that 6 effective opportunities were afforded to the plaintiff, father of the petitioners to adduce and conclude his evidence but when the case was listed for evidence of plaintiff-Attar Singh, predecessor-in-interest, breathed his last on 07.08.2016. However, it is evident that on 10.10.2016, the day evidence of the plaintiff was closed, the father of the petitioners namely Attar Singh is no more in this World. This fact also could not be brought to the notice of the Court by his counsel.

3. The instant petition has been preferred by the legal representatives of Attar Singh-plaintiff.

4. In view of the facts and circumstances narrated above, it would be justifiable that the petitioners be afforded opportunity to adduce and conclude their evidence.

5. Accordingly, order dated 10.10.2016 is set aside and the trial court is directed to afford two effective opportunities as per its convenience to the petitioners to adduce and conclude their evidence.

6. As such, instant petition stands disposed of.

January 11, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No