

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.5498 of 2016
Date of decision:25.8.2017**

Parveen Kumar

...Petitioner

Versus

Simran Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Rajiv Joshi, Advocate for the petitioner.
Mr.Vijay Rana, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 15.9.2015 (Annexure P-4), whereby his evidence was closed by the court order and also the order dated 4.7.2016 (Annexure P-6), whereby his application for additional evidence was dismissed, plaintiff has approached this Court by way of present revision petition, for setting aside the impugned order.

Notice of motion was issued and the learned trial court was directed not to pass the final order.

Heard learned counsel for the parties.

Learned counsel for the petitioner, at the very outset, fairly states that although petitioner ought to have been more vigilant in concluding the evidence well in time, yet in the totality of facts and

circumstances of the case and also to avoid miscarriage of justice, one more opportunity deserves to have been granted to the petitioner. He further submits that petitioner is ready to compensate the defendant-respondent by payment of reasonable costs.

On the other hand, learned counsel for the respondent vehemently opposed the instant revision petition, contending that order dated 15.9.2015 (Annexure P-4) is being challenged at a belated stage and the application moved by the petitioner for additional evidence was not even maintainable.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since no oral evidence is required to be produced by the petitioner as plaintiff after expiry of Shri Hari Om and only some documents are to be tendered in his evidence, no prejudice is likely to be caused to the defendant and the petitioner deserves to be granted one more opportunity, however, subject to payment of reasonable amount of costs to the defendant.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunities to both the parties to put up their best case before the court. Nobody should be forced to go home with the grievance that sufficient opportunity was not granted by the court. By following this principle of law, learned court would achieve twin objects i.e.

(i) it would avoid multiplicity of litigation between the parties and (ii) the court would be in a better position to do substantial justice between the parties. However, since in the case in hand, the learned trial court could not appreciate the above-said basic principle of law, while passing the impugned order (Annexure P-4), the same cannot be sustained.

So far as the impugned order (Annexure P-6) is concerned, the said aspect has been rendered infructuous for the reason that Shri Hari Om, who was intended to be produced by the plaintiff as remaining witness has already expired, as stated by the learned counsel for the respondent. However, petitioner has been found entitled to tender the remaining documents in his evidence for which no other witness is required to be produced, as stated by the learned counsel for the petitioner.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for tendering his remaining documents in his evidence. Accordingly, the impugned order dated 15.9.2015 (Annexure P-4) passed by the learned trial court is hereby set aside. The learned trial court is directed to permit the plaintiff-petitioner to tender his documents in his evidence, however, subject to payment of Rs.5,000/- as costs by the petitioner to the defendant before the learned trial court on the next date of hearing. Thereafter, the learned trial

court shall proceed further with the matter so as to decide the suit at an early date.

Resultantly, with the above-said observations made and directions issued, the instant revision petition stands allowed, however, with no order as to costs.

25.8.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No