

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

**C.R No. 5389 of 2017 (O&M)
DATE OF DECISION: 16.08.2017.**

Sadh Khan

.... Petitioner

VERSUS

Gram Panchayat, Sirkapra & Ors.

....Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.N Mehtani, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J.

Although the last opportunity was given by the learned Additional Civil Judge (Sr. Division) to the plaintiff to conclude his evidence, but he failed to do so and his evidence had been closed by the impugned order dated 04.07.2017 against which he has approached this Court for setting aside the order.

Though, there is nothing wrong in the order and it has been passed in exercise of its discretion and jurisdiction, but yet the demands on this Court for doing substantial justice guides the Court to be put the plaintiff back in his position as before 04.07.2017 and to give an opportunity to him to conclude his evidence, but no longer by unlimited time. Defendants can always be compensated in terms of money. It is for these reasons and in order to avoid a miscarriage of justice, that this Court interferes and without issuing notice to the opposite side as it would only prolong the trial and waste money of the defendant in engaging counsel, and, therefore, the impugned order is set aside and direction issued to the plaintiff to produce his entire evidence in no more than two dates, with one further date at the discretion of the trial Court, if the need arises.

Accordingly, the petition is allowed subject to payment of Rs.5000/- as costs to the defendants to be paid on the next date before the Court below.

(RAJIV NARAIN RAINA)
JUDGE

August 16, 2017

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