

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

Civil Revision No.547 of 2017
Date of decision: January 27, 2017

Daljinder Singh ...Petitioner

Versus

Gian Kaur & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Verma, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Petitioner is aggrieved by the order dated 04.01.2017, passed by the court below, whereby evidence of defendant has been closed by order.

It has been urged before the court that plaintiffs took considerable time to conclude their evidence. Evidence of the defendant commenced on 27.10.2016, where after he was fairly prompt in pursuing the case. On 04.01.2017, DW-3 Daljinder Singh, who had already been examined in chief, could not appear before the court due to circumstances beyond his control. The trial court closed the evidence observing that defendant had already availed sufficient opportunities. This is despite the fact that defendant had examined his witnesses on almost all the dates and only three months had elapsed in his evidence started.

Keeping in view facts and circumstances of the case, I am of the considered view that impugned order deserves to be set-aside. Trial court would grant two opportunities to the petitioner to conclude his

evidence. This court is conscious of the fact that the petition is being allowed without notice to the plaintiff/respondents. However, same is not necessary as petitioner is being burdened with Rs.6000/- as costs to be remitted to the respondents.

Allowed in the above terms.

(RAJAN GUPTA)
JUDGE

January 27, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No