

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

**CR No.7478 of 2016 (O&M)
Date of Decision:4.9.2017**

Sarwan Singh

...Petitioner

Versus

Garja Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Amit Sharma, Advocate for the petitioner.
Mr.Yogesh Kumar, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 3.11.2016 (Annexure P-2) passed by the learned trial court, closing the evidence of the defendant, he has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

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 to conclude his evidence in time, yet in the totality of facts and circumstances of the case, petitioner deserve one more opportunity for producing his entire remaining evidence and that too subject to payment of reasonable amount of costs to the plaintiff-respondent.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that granting one more opportunity to the petitioner, subject to payment of reasonable amount of costs, will not cause any serious prejudice to the plaintiff-respondent. In this view of the matter, the impugned order is set aside.

The learned trial court is directed to grant one more opportunity to the defendant-petitioner to conclude his remaining evidence, at his own risk and responsibility, however, subject to payment of Rs.5,000/- as costs to the plaintiff-respondent on or before the next date of hearing fixed before the learned trial court.

Resultantly, with the above-said observations made and directions issued, the civil revision petition stands disposed of, in the terms as indicated above.

4.9.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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