

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

**Civil Revision No. 7183 of 2017 (O&M)
Date of Decision: 13.10.2017**

Sohan Singh

... Petitioner

vs.

Jeet Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Peeush Gagneja, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

The defendant has come up in this revision petition challenging the order dated 29.09.2017 passed by the trial Court by virtue of which his evidence has been closed by Court order.

I have heard learned counsel for the petitioner and of the considered opinion that this petition can be disposed of without issuing notice to the respondent to avoid any unnecessary delay.

Learned counsel after taking this Court to various zimni orders passed in the case from time to time, urged that there was no reflection that the petitioner intends to delay the proceedings.

It was urged that the plaintiff's evidence was closed on 01.05.2017 and within a short span of four months defendant's evidence has been closed in a haste. According to learned counsel, one opportunity be granted to the defendant to conclude his evidence, otherwise he will suffer irreparable loss. Learned counsel submits that

they will bring the entire evidence on one date at their own responsibility and are ready to compensate the respondent-plaintiff.

Considering the prayer made by learned counsel, the instant petition is allowed and impugned order dated 29.09.2017 is set aside. The trial Court is directed to afford one effective opportunity to the defendant to conclude his evidence, subject to payment of Rs.5000/- as costs to be paid to the plaintiff before the Court below. It shall be the duty of the petitioner to bring the evidence at his own responsibility. Payment of cost would be a condition precedent.

13.10.2017

Jiten

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No