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

**Civil Revision No.8617 of 2016
Date of Decision: 31.08.2017**

GAURAV KANSAL

.....Petitioner

Vs

JAGMOHAN SINGH AND ANR

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Damandeep Singh, Advocate
for the petitioner.

Mr. A.D.S. Sukhija, Advocate
for respondent No.1

Mr. Gagandeep Singh Birgi, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 12.12.2016 passed by the Addl. Civil Judge (Sr. Divn.) SAS Nagar Mohali vide which evidence of the plaintiff/petitioner was closed by order of the Court.

[2]. On 21.12.2016, following order was passed by this Court:-

“Learned counsel for the petitioner contends that issues were framed on 14.01.2016 and, thereafter,

evidence of the plaintiff started w.e.f. 24.02.2016. Plaintiff consumed four dates i.e. 31.03.2016, 02.05.2016, 20.05.2016 and 20.07.2016 but the evidence was not fully led. Thereafter, an application was filed by defendant No.2 for setting aside exparte order dated 17.11.2015 and the case was adjourned for that purpose from 31.08.2016 to 20.10.2016. The case was further adjourned for 10.11.2016 and 25.11.2016, the date on which plaintiff tendered his affidavit in examination-in-chief. The case was adjourned for 12.12.2016 for cross-examination of the plaintiff but the plaintiff could not appear on that date being out of station in connection with marriage of his cousin. The evidence of the plaintiff was closed by order of the Court.

Learned counsel seeks indulgence of this Court for one last opportunity to lead his entire evidence subject to payment of adequate costs.

Notice of motion for 20.02.2017.

At this stage, Mr. Gagandeep Singh, Advocate appears on behalf of respondent No.2 and states that he has no objection in case heavy cost is imposed on the petitioner.

Let notice be issued to respondent No.1 for the date fixed.

In the meanwhile, trial Court is directed to adjourn the proceedings beyond the date fixed by this Court.”

[3]. The factual details in the aforesaid order could not be controverted by learned counsel for the respondent.

[4]. In view of above, impugned order dated 12.12.2016 is set aside. Trial Court shall grant one last opportunity to the

petitioner to lead his entire evidence at his own responsibility on the date fixed, subject to the payment of cost of Rs.20,000/- to be paid to the defendants in equal proportions.

[5]. Payment of cost shall be the condition precedent for granting the aforesaid indulgence by the trial Court.

[6]. Petition stands disposed of.

August 31, 2017

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No