

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

**CR No.8589 of 2017
Date of Decision:07.12.2017**

Subhash Chand

...Petitioner

Versus

Kavita and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.B.S.Ghangas, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.4 is in the revision petition against the order, closing his evidence as also the order dismissing the application for recall of the same.

Learned counsel for the petitioner has submitted that defendant No.4 was himself to be examined in the evidence. He has further submitted that on the date fixed, his affidavit in lieu of examination-in-chief had been prepared. However, due to some misunderstanding, affidavit could not be filed.

Taking into the consideration these facts, this Court is of the considered opinion that petitioner-defendant No.4 deserves to be granted one more opportunity to lead his evidence. However, this will be subject to payment of Rs.10,000/- towards costs. Defendant No.4 would make himself available for examination on the date fixed, i.e. 19.12.2017, before the learned trial court.

In view of above, the present revision petition is allowed. The

impugned orders dated 28.3.2016 and 16.5.2017 are set aside. Since this order has been passed without issuing notice to the respondents, they shall be at liberty to move an appropriate application for recall, if they feel aggrieved.

07.12.2017
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No