

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.1079 of 2018
Date of Decision.19.02.2018

Malkit Singh

.....Petitioner

Vs

Sukhjot Kaur

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.S. Boparai, Advocate
for the petitioner.

-:-

AMIT RAWAL J.(ORAL)

The petitioner-plaintiff is aggrieved of the order dated 22.05.2017, whereby, evidence of plaintiff is closed and the order dated 4.12.2017 dismissing the application for recalling of the order dated 22.05.2017.

Mr. K.S. Boparai, learned counsel for the petitioner submits that application for summoning the witnesses from the office of Sub Registrar, Jagraon was moved. Even the diet money was also assessed but there was a shortage of time, therefore, summons could not be obtained. He submits that in case dasti summons are given besides service effected through assistance of the Court, he will effect the service upon all three witnesses and conclude the evidence in case, two effective opportunities are granted.

I have heard the counsel for the petitioner-plaintiff and appraised the paper book and of the view that no doubt, the petitioner-plaintiff was negligent in concluding the evidence. However, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant two effective opportunities to the petitioner to conclude the evidence by taking assistance of the Court.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioner-plaintiff shall conclude the evidence in accordance with law subject to payment of costs of ₹10,000/- which shall be condition precedent. If the costs is not paid as directed, the order passed already by the court below shall stand restored.

The impugned order is set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

February 19, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No