

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.1699 of 2018(O&M)
Date of Decision:03.04.2018

Ramesh Kumar

....Petitioner

Versus

Ramdari @ Ram Dhari & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Nonish Kumar, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

C.M. No.6595-CII of 2018

Allowed as prayed for.

Zimni orders (Annexures P-6 Colly) are taken on record.

C.R. No.1699 of 2018

Through this petition under Article 227 of the Constitution of India, prayer has been made for setting aside order dated 12.12.2017(Annexure P-5) of the trial Court, whereby evidence of the petitioner was closed by Court order.

Learned counsel for the petitioner *inter alia* contends that the evidence of the petitioner has been closed on account of non-appearance of his counsel by Court order, for which he may not be penalized. Only one last opportunity may be given to the petitioner-plaintiff to conclude his evidence.

Considering overall facts and circumstances, but without commenting on the merits of the case, in the interest of justice, equity, good conscience and fair play, the impugned order is set aside. Resultantly, the trial Court is directed to afford only one opportunity to the petitioner-plaintiff to

conclude his entire evidence at his own responsibility, with assistance of the trial

Court for summoning of the official witnesses throughailable warrants or otherwise, subject to payment of costs of ₹10,000/-, to be deposited with the Member Secretary, District Legal Services Authority, Sonapat.

Disposed of with the above observations.

This order has been passed without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

A copy of this order be also sent to Member Secretary, District Legal Services Authority, Sonapat, to recover the costs.

03.04.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No