

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.2216 of 2018
Date of Decision:04.04.2018

Cantonment Board

....Petitioner

Versus

Chandan Rani & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Nitin Narula, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, challenge has been laid to order dated 30.11.2017 of the trial Court, whereby evidence of the petitioner has been closed by Court order and order dated 17.03.2018, whereby his application for recalling the order aforesaid was dismissed.

Learned counsel for the petitioner *inter alia* contends that a single opportunity may be given to the petitioner-plaintiff to conclude evidence at its own responsibility .

A perusal of the impugned orders shows that the evidence of the petitioner-plaintiff was closed after affording it six effective opportunities, which includes three last one. Therefore, there is no justification to grant even a single opportunity to the petitioner to conclude its evidence. However, in the interest of justice, equity, good conscience and fair play, the impugned orders are set aside.

Resultantly, the trial Court is directed to afford only one opportunity to the petitioner-plaintiff to conclude its entire evidence at its own responsibility,

subject to payment of costs of ₹15,000/-, to be deposited with the Member

Secretary, District Legal Services Authority, Ferozepur.

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, Ferozepur, to recover the costs.

04.04.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No