

244

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3044-2017

Date of decision : 20.03.2018

Rajbir Singh

... Petitioner(s)

Versus

Dheeraj Malik

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sukhdeep Parmar, Advocate
for the petitioner.

Mr. Yashveer Kharb, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The petitioner-defendant is aggrieved of the impugned order dated 12.04.2017, whereby, evidence of the petitioner-defendant has been closed.

Mr. Sukhdeep Parmar, learned counsel for the petitioner-defendant submits that in case, one opportunity is granted, the petitioner-defendant will conclude the entire evidence subject to any terms and conditions, which this Court deem fit.

Learned counsel for the respondent submits that the impugned order, under challenge is perfectly legal and justified, much less, do not call for interference as many opportunities have been granted to the petitioner-defendant to conclude his evidence, thus, urges this Court for dismissal of the present revision petition with exemplary cost.

I have heard the counsel for the parties, appraised the paper-book and of the view that no doubt, the petitioner-defendant was negligent in concluding the evidence, however, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant one effective opportunity to the petitioner-defendant to conclude the evidence.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioner-defendant shall conclude the evidence in accordance with law subject to payment of costs of ₹5,000/- to be paid to the learned counsel for the respondent representing him in the High Court, which shall be condition precedent. If the costs is not paid as directed, the impugned order passed already by the Court below shall stand restored.

Resultantly, the present revision petition stands allowed.

20.03.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No