

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

CR No.4494 of 2018(O&M)

Date of Decision:19.11.2018

Daya Singh

.....Petitioner

Vs.

Vipin Kumar Rajpal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Pawan Kajal, Advocate for
Mr.Rahul Deswal, Advocate for the
petitioner.

Mr.Parminder Singh, Advocate for the respondents.

AMIT RAWAL J.(Oral)

Present revision petition is directed against the order dated 09.07.2018 passed by the Ld. Civil Judge, Junior Division, Karnal in Civil Suit No.105 of 2014 titled as “Vipin Kumar Rajpal Vs. Daya Singh and others” whereby the evidence of the defendant has been closed.

Learned counsel appearing on behalf of the petitioner-defendant submitted that only the documentary evidence has to be tendered, as no other testimony of the oral witnesses is required. In case one effective opportunity is given to the petitioner, he will not seek unnecessary adjournments for adjudication of lis in the trial Court.

Learned counsel appearing on behalf of the respondents-plaintiff has drawn attention of this Court to the previous zimni orders to establish that defendant has availed numerous opportunity despite last opportunity and, thus, while supporting the impugned order prayed for dismissal of petition.

I have heard learned counsel for the parties and without expressing any opinion on the merits of the case, no doubt, the petitioner-defendant has, as

per the zimni orders commencing on 24.04.2018 till the passing of the impugned order, availed last opportunity to lead evidence. The explanation now sought to be given in order to prevent miscarriage of justice and do justice, I deem it appropriate to grant one opportunity to tender document subject to the mode of proof in accordance with law, subject to the payment of costs of Rs.8,000/- which is a condition precedent. On the next adjourned date, if petitioner-defendant did not avail the opportunity as granted by this Court, the order impugned shall come into operation.

The petition stands disposed of.

(AMIT RAWAL)
JUDGE

19.11.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No