

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

Sr. No.213-2

**C.R. No.5830 of 2018 (O&M)
Date of decision: 11.12.2018**

Vipul Arora

....Petitioner

versus

Sandeep Bedi

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sharad Mehra, Advocate
for the petitioner.

Mr. Sumeet Singh Arora, Advocate
for the respondent.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 13.07.2018 passed by the Civil Judge (Senior Division), Amritsar (for short – the Trial Court) through which the petitioner/defendant evidence has been ordered to be closed. Also under challenge is the order dated 08.08.2018 through which an application filed by the petitioner for recalling of the aforesaid order dated 13.07.2018 has been dismissed.

Learned counsel for the petitioner submits that for the petitioner/defendant to lead his evidence, the matter before the Trial Court was listed for the first time on 16.03.2018. Thereafter, the matter was adjourned several times and many of such adjournments were not because the petitioner/defendant had not brought his evidence but on the request

made by learned counsel for the respondent/plaintiff. Learned counsel for the petitioner further submits that on 13.07.2018 i.e. the date when the impugned order was passed, counsel for the petitioner/defendant appearing for him before the Trial Court was unwell and was later diagnosed to have a stone in his gall bladder.

Learned counsel for the parties have been heard.

Keeping in view the above facts which are peculiar to this case and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded at the trial stage for leading her entire evidence, after setting aside the impugned order, the petitioner is granted one and only one opportunity to lead his entire evidence. However, the same be subject to payment of ₹3000/- as costs.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

December 11, 2018
Jyoti 1

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