

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

Sr. No.112

C.R. No.6671 of 2018

Date of decision: 10.10.2018

Bhagat Ram

....Petitioner

versus

Kanta Rani and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dhruv Gutpa, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 01.08.2018 passed by the Civil Judge (Junior Division), Ambala (for short – the Trial Court) through which the petitioner's evidence has been closed for the reason that he had not led his entire evidence in spite of several opportunities granted for that purpose.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondent No.1 filed a suit seeking therein a declaration to the effect that she be declared absolute owner of House No.1710, Ward No.1, Near Hari Palace Ambala City (for short – the suit property). On being put to notice, the petitioner, who was defendant No.3 in respondent No.1's suit, appeared before the Trial Court and filed his written statement. Thereafter, the Trial Court framed issues and respondent No.1 led her entire evidence. Since even after grant of 10

effective opportunities when the petitioner failed to lead his entire evidence, the Trial Court passed the order dated 01.08.2018 closing the petitioner's evidence. Such order is under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

In view of the fact that the petitioner failed to lead his entire evidence even after grant of 10 effective opportunities, there is hardly any justification to grant any further opportunity to him. However, in the peculiar facts of the case where respondent No.1/plaintiff is said to have taken over two dozen opportunities to lead her evidence, in line with the principles of natural justice and not to preclude the petitioner to raise his entire defence at the trial stage, subject to ₹30,000/- as costs to be paid by the petitioner to respondent No.1, the impugned order is set aside and the petitioner is granted one and only one opportunity to lead his entire evidence. The same be done either on the next date fixed before the Trial Court or one week thereafter.

The petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

(DEEPAK SIBAL)
JUDGE

October 10, 2018
Jyoti 1

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