

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

Civil Revision No.7023 of 2017 (O&M)

Date of Decision: January 23, 2018

Jagmal Singh

...Petitioner

Versus

Suresho Devi

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Sanjiv Gupta, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

As per the memo of parties of the trial Court and as well as this Court, it reveals that the present revision is directed by Jagmal Singh (defendant No.2 before the trial Court) and the contest is between the plaintiffs.

According to the office report, respondent Nos.2 to 5 have been served. Respondent No.1 not met at the time of service, though already refused to accept the notice. Deemed to be served. There is no representation on behalf of the respondents.

The petitioner-defendant is aggrieved of the impugned order dated 5.9.2017 (Annexure P-3), whereby, his evidence has been closed by court order.

Mr.Sanjiv Gupta, learned counsel for the petitioner-defendant contends that sufficient opportunities have not been granted to the petitioner-defendant to lead evidence. The petitioner-defendant wants to

examine only two witnesses in support of his case in case one effective opportunity is granted subject to any terms and conditions which this Court deem fit.

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that in case, the petitioner-defendant is granted one opportunity for producing two witnesses for examination, ends of justice would be met. In order to advance justice and prevent miscarriage of justice, I deem it appropriate to direct the trial Court to give one effective opportunity to the petitioner-defendant for producing two witnesses for examination in accordance with law. The petitioner-defendant shall file list of witnesses within a period of one week and get the summons of the witnesses dasti and shall not take more than one opportunity in examining the aforementioned witnesses, subject to payment of ₹5,000/- as costs, which shall be a condition precedent. If the costs is not paid as directed, the order passed already by the court below shall stand restored.

Accordingly, the impugned order dated 5.9.2017 is set aside and the revision petition is allowed.

January 23, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No