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

**Civil Revision No.7031 of 2017 (O&M)
Date of Decision: 01.08.2018**

HIRA LAL AND ORS.

.....Petitioners

Vs

KRISHAN AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Kumar Goyal, Advocate
for the petitioners.

Mr. Ajay Ghangas, Advocate
for respondents No.1 to 3.

RAJ MOHAN SINGH, J. (Oral)

This revision petition has been preferred against the order dated 03.07.2017 passed by the Civil Judge (Jr. Divn.) Sonapat vide which evidence of the petitioners was closed by order of the Court.

At the time of issuance of notice of motion, the Co-ordinate Bench of this Court adverted to the facts that on 15.02.2017, oral evidence of the plaintiffs was closed and the case was adjourned for 03.03.2017 for documentary evidence. On 03.03.2017, 16.03.2017, 10.04.2017 and 26.04.2017 documentary evidence was not produced by the plaintiffs and the same was closed by learned counsel for the plaintiffs after

tendering some documents on 10.05.2017. Thereafter the case was adjourned for 03.07.2017 for defendants' evidence. Last opportunity was granted to the defendants to conclude their entire evidence. However, due to some inadvertent error, a wrong date was noted by the advocate of the defendants/petitioners. Consequently, the defendants could not appear on 03.07.2017 and could not bring the defendants' evidence. Defendants' evidence was closed on that day.

It appears from the record that while adjourning the case for documentary evidence of the plaintiff, the defence of the defendants was simultaneously observed.

At this stage, without going into said aspect of the case, I deem it appropriate to grant two effective opportunities to the defendants/petitioners to conclude their evidence. Consequently, the impugned order dated 03.07.2017 passed by the Civil Judge (Jr. Divn.) Sonapat is set aside. This revision petition is allowed, subject to payment of costs of Rs.10,000/- to be paid to the plaintiffs/respondents.

The payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

August 01, 2018

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No