

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

CR No.7421 of 2016

Date of Order: 01.02.2018

Major Singh

....Petitioner

Versus

Ravinder Singh and Anr

....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. N.S. Dandiwal, Advocate for the petitioner.

None for the respondents.

AMIT RAWAL, J (ORAL)

Present revision petition is arisen against the order dated 04.10.2016 passed by learned Addl.Civil Judge (Sr. Divn.), Nihal Singh Wala whereby the evidence of the petitioner after affording him 11 opportunities to conclude his evidence has been closed.

As per order dated 22.12.2016, service on the respondents was complete but nobody entered appearance on their behalf. While adjourning the matter, this Court had also stayed the pronouncement of the final order by observing as under:

“As per office report, notices issued to the respondents have been received back with the report of refusal and affixation thereof. There is no representation on behalf of the respondents.

Adjourned to 20.1.2017 for arguments.

Meanwhile, pronouncement of the final order shall remain stayed.”

Learned counsel for the petitioner, in terms of the provisions of Order 16 Rule 1 CPC, seeks one accommodation to conclude the entire evidence.

After hearing learned counsel for the petitioner and taking into account the facts of the case in hand, I am of the view that the ends of justice would be met if the petitioner is granted one opportunity to conclude evidence. Accordingly, in order to advance justice and prevent miscarriage of justice, this petition is allowed, subject to payment of Rs.5000/- as costs.

It is made clear that the costs imposed herein shall be a condition precedent.

February 01, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No