

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

CR No.7143 of 2018

Date of Decision : 18.12.2018.

Amritsar Improvement Trust

...Petitioner

Versus

Gurmeet Kaur and others

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Ms. Kavita Arora, Advocate for the petitioner.
Mr. Kushagra Mahajan, Advocate for the respondents.

B.S.WALIA, J. (Oral)

1. Challenge in the revision petition under Article 227 of the Constitution of India is to order dated 24.08.2018 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Amritsar, closing the evidence of the petitioner-defendant.

2. A perusal of the impugned order reveals that the request for adjournment was declined on account of the fact that the petitioner-defendant had already availed numerous opportunities but failed to conclude the evidence and that no justification was made out warranting adjourning the case for evidence of the petitioner-defendant, consequently, the evidence of the petitioner-defendant was closed by order.

3. Learned counsel for the petitioner-defendant contends that no doubt the evidence could not be produced on behalf of the petitioner-defendant despite number of opportunities having been taken but the same was only account of the fact that the record of the petitioner trust was not traceable and that only a period of approximately two months had been

granted to the petitioner to lead evidence i.e. from 08.05.2018 till 24.08.2018, whereas the respondents-plaintiffs had been given a period of close to two years i.e. from 18.10.2016 till 24.04.2018 and that ends of justice would be met if one effective opportunity was granted to the petitioner-defendant to lead its entire evidence at its own risk and responsibility.

4. Learned counsel for the respondents-plaintiffs has not been able to dispute the factual position as noted above. He, however, contends that the opportunity be granted only subject to payment of costs.

5. I have heard the submissions of learned counsel for the parties.

6. Admittedly number of opportunities were availed by the petitioner-defendant to lead evidence but the same was only within a span of approximately two months, whereas on the contrary, the respondents-plaintiffs had been allowed close to two years to conclude their evidence. Reason by the petitioner-defendant for not concluding its evidence within the time allowed was account of the relevant record not being traceable. In the circumstances, ends of justice would be met, if the impugned order is set aside and the petitioner-defendant is granted one effective opportunity to conclude its entire evidence at its own risk and responsibility on the next date i.e. 04.01.2019, subject to payment of costs of ₹7,000/- to the respondents-plaintiffs.

7. Revision petition allowed in the aforementioned terms.

(B.S.WALIA)
JUDGE

18.12.2018

rajesh.k.khurana

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No