

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

258

**CR No.7362 of 2018(O&M)
Date of Decision: 10.12.2018**

Kamlesh

.....Petitioner

Versus

Krishan Kumar and ors

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sudhir Rana, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

As per office report, service qua respondents No.1,3 and 4 is complete. Respondents No.2 (i) to 2 (iv) and 5 were served through affixation. Respondent No.6 was already ex parte before the trial Court.

There is no representation on behalf of the respondents despite service.

On 30.10.2018, following order was passed:-

Learned counsel for the petitioner contends that vide order dated 15.05.2018, application of the plaintiff-petitioner for leading secondary evidence was allowed. Vide order dated 11.09.2018, last opportunity was granted to the plaintiff-petitioner to conclude his evidence subject to

payment of costs of ₹ 500/-. Though the cost was not paid on the adjourned date but the Court while closing the evidence of the plaintiff by order of the Court allowed the plaintiff to deposit the costs on the next date.

Learned counsel states that the costs has already been paid on 29.10.2018 and seeks last and final opportunity to conclude remaining evidence of two witnesses for whom requisite diet money has also been deposited.

Learned counsel also states that opportunity be granted subject to payment of adequate costs.

Notice of motion for 16.11.2018.

Dasti as well."

The petitioner has challenged the order dated 9.10.2018 passed by the Civil Judge (Jr.Divn.), Rewari, vide which evidence of the plaintiff was closed by order of the Court.

Learned counsel for the petitioner submits that four of the plaintiff witnesses have already been examined and only two witnesses are remaining for whom even requisite diet money has also been deposited by him. The costs which was not paid on earlier occasion was allowed to be deposited by the Court on the next date i.e. 29.10.2018. Learned counsel for the petitioner further submits that the the amount of costs has

already been deposited in the relevant head.

Since there is no representation on behalf of the served respondents, therefore, I deem it appropriate to grant one effective opportunity to the petitioner to conclude his evidence on the date to be fixed by the trial Court. However, this order shall be subject to payment of costs of ₹ 15,000/- to be paid to the respondents in equal proportions.

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

Petition stands disposed of accordingly.

December 10, 2018	(RAJ MOHAN SINGH)
anita	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No