

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

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Civil Revision No.9578 of 2018

Date of Decision: December 17, 2018

Harvinder Singh

.....Petitioner(s)

versus

Harjinder Singh and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE DEEPAK SIBAL

Present: Mr. Jaspreet Singh Brar, Advocate for the petitioner.

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 27.11.2018 passed by the Civil Judge (Junior Division), Faridkot (for short-'the Trial Court') through which the evidence of the petitioner/defendant has been closed on the ground that defendant had not led his evidence even after availing six effective opportunities.

Learned counsel for the petitioner submitted that the petitioner could not lead his evidence on account of having undergone eye surgery and prayed that subject to imposition of reasonable costs, only one opportunity may be granted to the petitioner to prove the facts pleaded by him in his written statement by producing an official of Punjab & Sind Bank, Kotakpura Branch.

In the facts of the present case and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from producing his evidence at the trial stage that he intends to lead, subject to

payment of ₹ 25,000/- as costs to be paid by the petitioner to respondent No.1, after setting aside the impugned order, the petitioner is granted one and only one effective opportunity at his own risk and responsibility to lead his entire evidence on or before 15.01.2019.

The present petition is allowed in the above terms.

If respondent No.1 is aggrieved by the passing of the present order he is at liberty to approach this Court by filing of an appropriate application.

December 17, 2018

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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No