

250

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

**Civil Revision No.4383 of 2018
Date of Decision: 23.01.2019**

**MANISHA SHARMA AND ANOTHER
.....Petitioners**

Vs

**STATE BANK OF INDIA
....Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioners.

Mr. Kapil Kakkar, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have challenged the order dated 25.04.2018 passed by the Civil Judge (Jr. Divn.) Rewari vide which the evidence of the defendants/petitioners was closed by order of the Court.

[2]. Perusal of the record would show that the evidence of the plaintiff was closed vide order dated 09.10.2017. The evidence of the defendants started w.e.f. 21.10.2017. On the said date no DW was present and the case was adjourned for 13.11.2017 at own responsibility of the defendants. Further

orders dated 13.11.2017 and 12.01.2018 would show that the case was adjourned for compromise between the parties. On 08.12.2017, the Presiding Officer was on leave. On 09.02.2018, 21.03.2018 and 02.04.2018 no evidence was led by the defendants despite last opportunities being granted to them on 21.03.2018 and 02.04.2018.

[3]. Though there is some omission on the part of the defendants in not adducing evidence, but keeping in view the efforts made by the petitioners to strike compromise which could not fructify as per the material on record, one opportunity can be granted to them. The factum of effort being made by the petitioners in striking compromise and statement to that effect in the Court on 13.11.2017 and 12.01.2018 did not find any mention in respect of objections raised by the plaintiff to the contrary.

[4]. In view of provision being handmaid of justice, I deem it appropriate to grant one last opportunity to the defendants/petitioners to adduce entire evidence on their own responsibility, subject to payment of costs of Rs.20,000/- to be paid to the respondent.

[5]. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context. The trial Court shall fix a date for the evidence of the

defendants.

[9]. In view of above, this revision petition is disposed of.

January 23, 2019

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No