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

**Civil Revision No.5877 of 2018
Date of Decision: 07.03.2019**

JAGDEV SINGH

.....Petitioner

Vs

JASWINDER SINGH AND ANR

....Respondents

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

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Ms. Sheenu Sura, Legal Aid counsel
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. In compliance of the order dated 01.11.2018, Ms. Sheenu Sura, Advocate has been appointed as Legal Aid counsel on behalf of the respondents.

[2]. Petitioner is aggrieved of the order dated 01.08.2018 passed by the Civil Judge (Jr. Divn.), Ludhiana vide which his evidence was closed by order of the Court and order dated 24.08.2018 passed by the Civil Judge (Jr. Divn.) Ludhiana vide which review application filed by the petitioner against the order dated 01.08.2018 was also dismissed.

[3]. Perusal of the record would show that there was some omission on the part of the plaintiff in not producing his evidence. Examination-in-chief of PW-1 i.e. plaintiff was recorded on 05.07.2017 and thereafter he was cross-examined for the first time on 01.08.2018. Even prior to 01.08.2018, the defence of the defendants was struck off and the defendants have not assailed the said order so far. Defendants have joined the proceedings without seeking annulment of the said order.

[4]. In view of aforesaid facts, plaintiff/petitioner seeks one opportunity to lead his entire evidence subject to payment of adequate costs.

[5]. After hearing learned counsel for the parties, I deem it appropriate to grant one more opportunity to the plaintiff to lead his entire evidence, however subject to payment of costs of Rs.15,000/- to be paid to the defendants in equal proportion. Consequently, this revision petition is allowed. Impugned orders dated 01.08.2018 and 24.08.2018 passed by the Civil Judge (Jr. Divn.) Ludhiana are set aside.

[6]. Payment of cost shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

March 07, 2019

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No