

CR-6878-2017 (O&M)

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

CR-6878-2017 (O&M)

Date of decision : 08.01.2019

M/s Malhotra Land Developers and Colonizer Private
Limited

... Petitioner

Versus

Ashok Jindal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Daman Dhir, Advocate
for the petitioner.

Mr. Ankit Joshi, Advocate
for respondent No.2.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 07.09.2017 (Annexure P-7), whereby the evidence of the petitioner-defendant has been closed by order.

Learned counsel for the petitioner submitted that the petitioner has approached this Court by filing Civil Revision No.7007 of 2014 for impleading it as party defendant in a civil suit for specific performance and this Court vide order dated 02.03.2017 had allowed the revision petition. Written statement was filed on 01.05.2017 and the evidence was closed on 07.09.2017. He further submits that in case, one opportunity is granted, the petitioner-defendant will conclude the entire evidence, subject to terms and conditions, which this Court may deem fit.

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Learned counsel for the respondent submits that the impugned order, under challenge, is perfectly legal and justified, much less, do not call for interference as many opportunities have been granted to the petitioner-defendant to conclude his evidence, thus, urges this Court for dismissal of the present revision petition with exemplary cost.

I have heard the counsel for the parties, appraised the paper-book and of the view that no doubt, the petitioner-defendant was negligent in concluding the evidence, however, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant two effective opportunities to the petitioner-defendant to conclude the evidence.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioner-defendant shall conclude the evidence in accordance with law subject to payment of costs of ₹5,000/- to be paid to the plaintiff. If the costs is not paid as directed, the impugned order passed already, by the Court below shall stand restored.

Resultantly, the present revision petition stands allowed.

08.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**