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

**Civil Revision No.2739 of 2019 (O&M)
Date of Decision: 29.11.2019**

**HARPREET SINGH GABA @ GORA AND ANR
.....Petitioners**

Vs

**GURBACHAN SINGH @ BACHAN SINGH (DECEASED) THR
LRS
....Respondents**

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

Present: Mr. B.S. Bairagi, Advocate
for the petitioners.

Mr. Amandeep Singh, Advocate
for respondents No.1(i) to 1(iii).

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 18.02.2019 passed by the Civil Judge (Junior Division) Moga, vide which the evidence of the defendants was closed by order of the Court.

[2]. Notice of motion was issued on 29.04.2019 on the plea raised by learned counsel for the petitioner that owing to the indifferent health, petitioner No.2/defendant could not conclude the evidence despite six opportunities granted by the trial Court including the last opportunity.

[3]. Learned counsel further submitted that though respondent No.1(iv) has been duly served, but he is not

appearing on her behalf.

[4]. Learned counsel appearing on behalf of respondents No.1(i) to 1(iii) submitted that the petitioners have already availed six effective opportunities including the last opportunity and they do not deserve any further indulgence for concluding their evidence. No medical record was submitted before the trial Court.

[5]. Petitioners have attached medical record collectively as Annexure P-2. At this stage, without forming any opinion as to the *bona fide* of the petitioners and keeping in view the facts and circumstances of the case, I deem it appropriate to grant one more last opportunity to the petitioners to conclude their evidence. The trial Court shall grant one last effective opportunity to the petitioners to conclude their evidence on their own responsibility without assistance of the Court.

[6]. In view of above, this revision petition is allowed. The order dated 18.02.2019 passed by the Civil Judge (Junior Division) Moga is set aside, however subject to payment of cost(s) of Rs.15,000/- to be paid to the plaintiffs. Payment of cost(s) shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

November 29, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No