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

**Civil Revision No.2535 of 2019 (O&M)
Date of Decision: 21.08.2019**

Ram PalPetitioner
Vs
Dhanna Ram and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. As per office report, service qua respondent No.1 is complete. However, none has appeared on his behalf.

[2]. Petitioner has preferred this revision petition against the order dated 21.02.2019 passed by the Civil Judge (Jr. Divn) Shaheed Bhagat Singh Nagar, vide which the evidence of the plaintiff was closed by order of the Court.

[3]. Brief facts are that one Jog Raj PW-1 was present and was cross-examined on 21.02.2019. No other PW was present despite the last opportunity granted to the plaintiff. Since no evidence of the plaintiff was present, therefore, the Court proceeded to close evidence of the plaintiff by order of the Court vide the impugned order and adjourned the case for evidence of the defendant.

[4]. Learned counsel for the petitioner submitted that only examination-in-chief of one of the defendant's witness has been brought on record, but the said witness has not been cross-examined by the plaintiff so far.

[5]. At the time of issuance of notice of motion, learned counsel for the petitioner craved indulgence of this Court for grant of one last opportunity subject to payment of adequate costs.

[6]. The provision is handmaid of justice. Though there was omission on the part of the plaintiff/petitioner in not concluding the entire evidence, but in the interest of justice one last opportunity is granted to the plaintiff/petitioner to adduce entire evidence at his own responsibility without availing process of the Court, however subject to payment of costs of Rs.15,000/- to be paid to respondent No.1.

[7]. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context. Consequently the impugned order dated 21.02.2019 passed by the Civil Judge (Jr. Divn) Shaheed Bhagat Singh Nagar is set aside. This revision petition is allowed.

August 21, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No