

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

**CR No.14360 of 2018 (O&M)
Date of Decision:-05.12.2019**

Shri Krishan Educational Trust

...Petitioner

Versus

Som Parkash Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Satpal Bhasin, Advocate for
Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Rajesh Malik, Advocate for
Mr. Sandeep Singh, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

Learned counsel for the petitioner seeks to assail order dated 27.11.2018 passed by Civil Judge (Sr. Divn.), Kurukshetra vide which evidence of the defendant-petitioner was closed by order of the Court on the premise that the said opportunity was 24th opportunity for evidence of the defendant-petitioner. The petitioner is at fault for not concluding its evidence despite availing 24 opportunities.

At the time of issuance of notice of motion on 21.12.2018, following order was passed:-

"Learned counsel appearing on behalf of the petitioner relies upon pendency of CR No.11655 of 2018 which is fixed for 01.02.2019.

Notice of motion for 01.02.2019.

To be heard along with CR No.11655 of 2018.

Interim order in the same terms as passed in Civil Revision No.11655 of 2018."

Today, learned counsel for the respondent states that the respondent has no objection in case one effective opportunity is granted to the defendant-petitioner to conclude its evidence, however, subject to payment of some cost(s).

In view of no objection given by learned counsel for the respondent, I deem it appropriate to grant one effective opportunity to the petitioner to conclude its evidence on a date to be fixed by the Trial Court after giving notice to the parties.

The aforesaid facts would give rise to a consideration in favour of the petitioner, however, subject to payment of cost(s) of ₹10,000/- to be paid to the plaintiff.

The payment of cost(s) shall be the condition precedent for granting indulgence by the Trial Court in the aforesaid context.

In view of the above, the present revision petition, is allowed.

05.12.2019

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No