

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

CR-7628-2019
Decided on : 29.11.2019

Bhim Singh

..... Petitioner

Versus

Raj Kumar and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Jain, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

This petition has been filed against the order dated 19.11.2019 (Annexure P-5) whereby the application for recalling the order dated 15.03.2019 whereby evidence of the petitioner (defendant in suit) had been closed by the Trial Court, was dismissed.

Learned counsel for the petitioner while placing reliance on the judgment passed in *State of Punjab and others vs. Ajmer Singh, 2009(2) RCR (Rent) 169* states that if one opportunity is granted to the petitioner, he would lead his entire evidence on his own responsibility. Learned counsel for the petitioner states that the matter is now fixed for 02.12.2019 for rebuttal evidence.

In my opinion, it would be in the interest of justice if one opportunity is granted to the petitioner to conclude his entire evidence on his own responsibility on one date which may be fixed.

Consequently, the impugned order is set aside and Trial Court is directed to grant one opportunity to the petitioner to lead his entire evidence on his own responsibility on a date to be fixed by the trial court.

Parties to appear before the trial court on 16.12.2019 and thereafter trial court is directed to fix a date for recording the evidence of the petitioner. The petitioner shall deposit an amount of Rs.10,000/- with the District Legal Services Authority, Hisar as costs.

This revision petition stands allowed in the above terms.

(MANJARI NEHRU KAUL)
JUDGE

29.11.2019

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No