

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

CR No.7771 of 2019
Date of decision: 05.12.2019

Binder Singh

... Petitioner

Versus

Nirmal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The defendant is in revision before this Court aggrieved by an order dated 11.09.2019, passed by learned Civil Judge (Jr. Divn.), Malerkotla, vide which his evidence has since been closed by order.

It is submitted that issues were framed on 04.07.2017, and the respondents/plaintiffs availed as many as 12 opportunities to lead and conclude their evidence. Whereafter, the matter was posted for defendant's evidence on 31.01.2019, and affidavit of the petitioner (defendant) had already been tendered in examination-in-chief though he was required to be cross-examined. Thus, he submits that even if it is assumed that petitioner (defendant) was remiss in pursuing his cause and failed to conclude his evidence, still if he is not afforded a reasonable opportunity to lead and conclude his evidence, he shall not only suffer an irreparable loss but that might also result in miscarriage of justice.

That being so, and without any formal notice to the respondents to avert any further delay and expenses that they shall have to incur to

defend these proceedings, the order dated 11.09.2019 (Annexure P3) is set aside. The revision petition is accordingly disposed of in the following terms:

i) The petitioner shall be granted two effective opportunities to lead and conclude his entire evidence on the dates that shall be specified by the trial Court in this regard;

ii) In the event of default, the matter shall not be adjourned for any reason or at any cost, and his evidence shall be deemed to have been closed;

iii) This, however, shall be subject to payment of costs of Rs. 2,000/- to the respondents, that shall be a condition precedent.

(Arun Palli)
Judge

05.12.2019
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO