

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

-.-

C.R No. 4496 of 2016 (O&M)

Date of decision: 22.01.2020

**Bahadur Singh (D) represented
through LR Lakhwinder Singh**

... Petitioner

Vs.

Jaswinder Kaur & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. H.S. Dhandi, Advocate, for the petitioner.

None for respondent No.1.

ALKA SARIN, J.

The present revision petition has been filed against the order dated 09.05.2016, whereby the evidence of defendant-petitioner was closed by order.

Notice of motion was issued in this case and service was duly effected. However, none appeared on behalf of the respondents despite service. On one date i.e. 20.04.2019, Mr. I.S. Parmar, Advocate, had put in appearance on behalf of respondent No.1, but thereafter no one has appeared on behalf of respondent No.1.

In view thereof the matter was heard in their absence today.

It has been contended by the learned counsel for the petitioner-defendant that the plaintiff-respondent No.1 filed a suit for declaration in which the father of the petitioner was a party. After the completion of pleadings issues were framed on 17.01.2012. An application was filed for amendment of the plaint, which was allowed. An amended written statement was filed by the defendants and the issues were re-framed on 10.01.2014. The

evidence of the plaintiff-respondent No.1 was closed on 05.01.2016.

Learned counsel for the petitioner contended that defendant No-2 in the suit expired on 08.09.2015 and on the basis of the Will of defendant No.2, the petitioner as well as respondent No.3 herein were impleaded as parties in the present suit. It has further been contended that due to the fact that the property pertains to the grand-father of the petitioner, hence there was some delay in trying to trace the original papers in order to prove that the property is self-acquired property in the hands of their grand-father.

The delay in leading the evidence does not appear to be intentional and the petitioners have put-forth a very genuine reason for not been able to lead their evidence earlier. The respondents have not also come forward to contest the revision petition.

In view thereof to impart complete justice to the parties, I deem it just and proper to grant one last opportunity to the petitioner to lead all his evidence on the next date fixed by the trial Court. The said opportunity is being granted subject to payment of ₹10,000/- as costs to plaintiff-respondent No.1.

With the above observation, the present revision petition is allowed.

January 22, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No