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

**C.R. No. 5395 of 2019 (O&M)
Date of Decision: 12.02.2020**

Kalawati & Anr.

...Petitioners

Vs.

Ram Avtar

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S. Hooda, Advocate, for the petitioners.

Mr. Vinay Kumar Panday, Advocate, for the respondent.

ALKA SARIN, J (Oral)

The present revision petition has been filed against the orders dated 12.03.2019 and 24.05.2019, whereby the evidence of the defendant-petitioners in an application moved under Order 9 Rule 13 of the Code of Civil Procedure, was closed by order and the appeal against the said order was also dismissed.

I have heard learned counsel for the parties.

It has been contended by learned counsel for the defendant-petitioners that though seven effective opportunities were given, however, due to some unavoidable circumstances he was unable to lead his evidence. He prays that one last opportunity be given to the defendant-petitioners to conclude their evidence.

It has been further contended by learned counsel for the defendant-petitioners that the defendant-petitioners are parda nashin ladies and both are widows and therefore, some leniency be shown to them.

Per contra, learned counsel for the respondent has vehemently opposed the said prayer. He states that earlier also in the suit when the defendant-petitioners were proceeded against ex-parte vide order dated 28.10.2014, they had moved an application for setting aside the said order, but the same was dismissed as withdrawn on 31.10.2014. However, thereafter they failed to appear in the suit and once again were proceeded against ex-parte and that is how the judgment and decree came to be passed ex parte against them. In the present case also seven opportunities have already been availed by the defendant- petitioners and no leniency ought to be shown.

Keeping in view the fact that both the defendant-petitioners are stated to be widows and parda nashin ladies and in order to impart complete justice to the parties, I deem it appropriate to allow one last opportunity to the defendant-petitioners to conclude their evidence on 18.02.2020 i.e. the next date fixed before the Court below. The said opportunity is being granted subject to the payment of ₹30,000/- as costs to be paid to the plaintiff-respondent. It is made clear that if the cost are not paid or evidence is not concluded on the next fixed date i.e. 18.02.2020, the present revision petition shall be deemed to be dismissed.

In view of the above, the present revision petition is disposed off.

February 12, 2020
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(ALKA SARIN)
JUDGE