

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

Civil Revision-233-2021

Date of decision: - 03.03.2021

Harmander Singh and another

....Petitioners

Versus

Harjinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Kiranjeet Kaur, Advocate
for the petitioners.

Mr. Umesh Kumar Kanwar, Advocate
for the respondents.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

Present revision petition has been filed by the petitioners/defendants for quashing the impugned order dated 12.01.2021 (Annexure P-3) by which the learned trial Court has allowed the application of the plaintiffs/respondents for leading additional evidence.

Learned counsel for the petitioners submits that at the fag end of the trial, the application filed on behalf of the respondents for leading the additional evidence has been allowed, which is causing delay in finalizing the trial. Learned counsel for the petitioners further submits that the delay in finalizing the proceedings is causing prejudice to the

petitioners.

Notice of motion.

Keeping in view the advance copy supplied, Mr. Umesh Kumar Kanwar, Advocate, accepts notice on behalf of the respondents.

Learned counsel appearing on behalf of the respondents submits that the petitioners have already been compensated for the delay in the impugned order, but as the additional evidence to be led by the respondents is essential for the just and proper decision, the respondents are ready to compensate the petitioners to the tune of ₹15,000/- and the amount of ₹2,000/- in the impugned order be modified accordingly.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It cannot be disputed that allowing of the application for leading evidence filed by the respondents by the learned trial Court will delay the finalization of the proceedings, but delay cannot have precedence over substantial justice to be done to the parties to the litigation. It is conceded before this Court that though the evidence of both the parties have been closed by the learned trial Court, but the arguments are yet to be addressed. As stated earlier that allowing the application for leading additional evidence before the trial Court is going to delay the process, but the petitioners/defendants will also be granted adequate opportunities to rebut the said additional evidence produced by the respondents/plaintiffs. The respondents/plaintiffs have conceded to enhance the costs of ₹2,000/- to ₹15,000/-.

Keeping in view the above, no interference is called for in

the impugned order dated 12.01.2021 (P-3) except to the extent that as undertaken by learned counsel for the respondents/plaintiffs themselves, the petitioners will be entitled for costs of ₹15,000/- instead of ₹2,000/- as mentioned in the impugned order.

Present revision petitions stands disposed of in the above terms.

March 03, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No