

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

Civil Revision No.253 of 2021(O & M)
Date of Decision: 12.02.2021

Man Singh

....Petitioner.

V/S

Veer Kaur and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr.Chetan Kapoor, Advocate
for the petitioner

SUDHIR MITTAL, J . (Oral):

This petition has been filed challenging the order dated 17.02.2020 (Annexur P-9), passed by learned Civil Judge (Jr.Division), Rajpura, whereby the defence evidence has been closed by order on the ground that the defence evidence had not been concluded despite availing 9 opportunities.

Learned counsel for the defendant-petitioner has drawn the attention of the Court to the zimni orders on record and has submitted that the delay in concluding the evidence was not intentional. Thus, closure of evidence by order is too harsh.

After going through the zimni orders placed on record as Annexures P-2 to P-8, I am satisfied that the delay in conclusion of the defence evidence was not intentional or mala fide. Thus, it would be appropriate to grant one and only opportunity to the defendant-petitioner to conclude his evidence.

For this purpose, issuance of notice to the respondents is not essential as they would not be prejudiced in any manner by this order.

The revision petition is allowed and order dated 17.02.2020 is set aside. It is directed that the defendant-petitioner shall conclude his evidence on the next date of hearing i.e.22.03.2021, subject to payment of costs of Rs.5000/- which shall be paid to the plaintiffs-respondents. It is clarified that in case cross examination of defence evidence is not concluded on the date fixed before the trial Court, one more effective opportunity shall be granted.

February 12, 2021

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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No