

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

CR-2541-2021

Date of Decision:01.11.2021

SADHU RAM

...Petitioner

Versus

INDU DEVI AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside the order dated 18.10.2021 (Annexure P-13) passed by learned Civil Judge, Junior Division, Abohar, closing the evidence of the petitioner.

2. Learned counsel for the petitioner submits that the plaintiff closed her evidence on 25.03.2021 and the case was adjourned to 02.04.2021 by Civil Judge, Junior Division-cum-JMIC, Abohar. It is stated that the petitioner was though granted opportunities on various dates i.e. 02.04.2021, 16.04.2021, 29.04.2021, 07.07.2021, 02.08.2021, 13.08.2021, 20.08.2021, 03.09.2021, 27.09.2021, however, due to the current *pandemic*, he was under the *bona fide* belief that the evidence is to be adduced by him when the full-fledged physical hearings are resumed in the Courts below. Even otherwise, learned counsel for the petitioner contends that the adjournments were granted by giving very little time on each hearing.

3. Given the nature of order being passed, there is no necessity to issue notice as the same will not create any prejudice qua rights of the respondent-plaintiff.

4. I have heard the learned counsel for the petitioner and having perused the order sheets of the Court below, it does appear that while on one hand, the matter was being adjourned due to the *pandemic*, and on the other hand, the evidence of the petitioner has been closed. It also transpires that the plaintiff herself has also now moved an application for adducing additional evidence.

5. In totality of circumstances, it would be in the interest of justice that the petitioner-defendant be also granted one opportunity to adduce his evidence. It is, however, made clear that while the petitioner is being made bound to not seek more than one opportunity to do the needful but the trial Court shall be at liberty to grant further time at its own discretion depending upon its work exigencies.

6. Needless to say that further unnecessary adjournments will not be granted by the trial Court.

7. By way of imposition of costs, petitioner, instead of paying the money, shall within 30 days plant 50 trees of deciduous and perennial in nature, of any variety viz. Neem, Amla, Gulmohar and/or Alstonia, in the neighbourhood of the suit property. Plantation shall be carried out under the supervision of the concerned District Horticulture Officer, who shall give a letter of proof to the petitioner of having carried out the plantation of the trees as per the orders of this Court.

8. Court below to ensure compliance thereof. In case, the petitioner defaults in doing so, liberty is granted to the Registry to place the

matter before this Court to report non-compliance. Proof of plantation be also furnished by the petitioner in the Registry of this Court, along with supporting letter from Horticulture Department, to be placed before this Court upon receipt thereof.

9. Only after the compliance of this order, the petitioner will be allowed to adduce his evidence.

November 01, 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No