

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

139

CR-776-2022 (O&M)

Date of decision: 21.03.2022

Gurpreet Singh and another

.....Petitioners

Versus

Punjab National Bank, New Delhi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akhilesh Vyas, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 06.12.2021 and 26.11.2021 (Annexures P-1 and P-2) passed by the learned Additional Civil Judge (Sr. Divn.), Amritsar vide which the evidence of the petitioners-defendants No.3 and 4 was closed by order in a civil suit for recovery filed by respondent No.1-plaintiff-bank.

Learned counsel for the petitioners submits that on 06.12.2021, the District Bar Association had gone on a strike as a result of which the lawyers were abstaining from work. Hence, the petitioners-defendants No.3 and 4 were unable to lead their evidence. Learned counsel submits that the trial Court without appreciating the factum of the lawyers going on strike refused to give any further adjournment for recording their evidence and consequently passed the impugned order.

Learned counsel further submits that the petitioners-defendants No.3 and 4 would suffer irreparable loss if they are not granted one last effective opportunity to lead their evidence as their entire defence is based on the evidence of the clerk from the Punjab School Education Board. Learned counsel further submits that the

petitioners-defendants No.3 and 4 are ready to bear the costs as may be imposed by this Court.

I have heard learned counsel for the petitioners and perused the relevant material placed on record.

A perusal of the impugned orders reveal that the petitioners-defendants No.3 and 4 were granted numerous opportunities to lead their evidence, however, at the same time, on the last date when the evidence was to be led by the petitioners-defendants No.3 and 4, the lawyers including his counsel went on strike due to a strike call given by the District Bar Association. This Court is conscious that the case is at an advance stage and is now fixed for rebuttal evidence and arguments but at the same time this Court feels that in the interest of justice one last effective opportunity be granted to the petitioners-defendants No.3 and 4 to conclude their evidence so as to prevent any miscarriage of justice.

In the wake of the above, without issuing notice to the respondents and to avoid any further delay as well as expenses which the respondents may have to incur to defend these proceedings, the instant revision is allowed and the impugned order dated 06.12.2021 is set aside. The petitioners-defendants No.3 and 4 shall now be granted one last effective opportunity to conclude their evidence before the trial Court which, however, shall be subject to the payment of Rs.10,000/- as costs to be paid to respondent No.1-plaintiff-bank.

21.03.2022

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(MANJARI NEHRU KAUL)

JUDGE

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