

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

Sr. No.224

**Civil Revision No.4155 of 2016 (O&M)
Date of Decision : March 02, 2022**

Rajbir

...Petitioner

Versus

Rajender and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Chanderhas Yadav, Advocate, for the petitioner.
Mr. S.P. Chahar, Advocate for respondent No.2.

SUDHIR MITTAL, J. (ORAL)

CM-12941-CII-2016

This application has been filed for placing on record Annexures P-1 to P-12 and for exemption from filing the certified/true typed copies thereof.

For the reasons stated in the application, the same is allowed and annexures aforementioned are taken on record. Exemption sought for is also granted.

CR-4155-2016

Learned counsel for the petitioner submits that pursuant to order dated 04.07.2016 amount of Rs.15,000/- has already been deposited. Thus, the impugned order dated 21.03.2016 be set aside and the petitioner-plaintiff be permitted to complete his evidence by granting two more opportunities.

Learned counsel for respondent No.2 submits that the conduct of the plaintiff-petitioner does not entitle him to any relief and thus, the impugned order may be maintained.

It is the policy of law to ensure that cases are decided on merits and on the basis of evidence led by the parties. Denial of opportunity to the plaintiff-petitioner to conclude his evidence would result in violation of the principles of natural justice. Thus, keeping in view the facts and circumstances of this case, impugned order dated 21.03.2016 is set aside.

The trial Court is directed to grant the plaintiff-petitioner two opportunities for concluding his evidence at his own risk and responsibility. No further opportunity shall be granted.

Parties are directed to appear before the trial Court on the next date of hearing fixed by the concerned Court. Sum of Rs.15,000/- deposited in this Court be transmitted to the concerned trial Court for disbursal to respondent No.2.

Petition stands allowed.

March 02, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No