

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

Sr. No.131

CR-322-2022

Date of Decision: 02.02.2022

SURINDERPAL SINGH

...Petitioner

VERSUS

JASPAL SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Present revision petition has been filed to assail the order dated 13.12.2021 (Annexure P-3) passed by Additional Civil Judge (Senior Division), whereby the trial Court has closed the evidence of the petitioner who was impleaded as defendant before the Lower Court.

Now, it is submitted by learned counsel for the petitioner that the defendant could not lead his evidence due to the Covid situation. Learned counsel submits that only one opportunity is given to lead evidence.

Perusal of the impugned order reveals that evidence of the plaintiff was closed on 18.09.2019, and thereafter, several opportunities had been availed by the defendant to lead evidence. Despite availing 22 opportunities, he has not examined even a single witness. However, it is pertinent to mention that soon after the closure of the evidence of the plaintiff, pandemic had started and all of us are working under constrained circumstances, due to Covid situation since then.

Considering the same, present revision petition is allowed and the impugned order is set aside and the petitioner, who is defendant before the Lower Court, is given another opportunity to lead evidence on the date fixed by the Lower Court to its convenience and the convenience of the parties. However, this opportunity shall be subject to payment of Rs.20,000/- as costs, before the concerned Legal Services Authority, within a period of three weeks from today onwards.

(ARCHANA PURI)
JUDGE

02.02.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No