

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

CR No.2050 of 2022 (O&M)
Date of decision: 31st October, 2022

Mohit Chhabra

... Petitioner

Versus

Ravinder Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arihant Goyal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India challenging the order dated 12.11.2021 passed by learned Additional Civil Judge (Sr. Divn.), Barnala (Annexure P-1) vide which the evidence of the petitioner/plaintiff was closed by order.

Learned counsel for the petitioner *inter alia* contends that the petitioner filed a civil suit for specific performance of the agreement dated 10.02.2016 as well as for permanent injunction. He further submits that the petitioner has always been ready and willing to perform his part of the agreement. It has been further submitted that the case was adjourned to 16.09.2019 for the evidence of the plaintiff/petitioner, on which date two plaintiff witnesses were examined and their cross-examination was deferred on the request of the counsel opposite. Thereafter, on 04.01.2020 one more plaintiff

witness was examined and the matter was adjourned on multiple occasions however, the petitioner was unable to conclude his evidence on account of the restricted functioning of the Courts due to the outbreak of the pandemic COVID-19. Learned counsel submits that since the petitioner is not well versed with the nitty gritty of the Court proceedings, a lenient view be taken. It is submitted that it was on account of the genuine reasons that the petitioner was unable to conclude his evidence. A prayer has, therefore, been made that a compassionate view be taken and the impugned order be set aside.

I have heard learned counsel and perused the material on record.

A perusal of the record reveals that the petitioner has indeed been negligent in pursuing the case. However, at the same time this Court is also conscious that due to the restrictions imposed subsequent to the outbreak of the pandemic COVID-19, normal life had been disrupted. In the circumstances, this Court is of the opinion that if the petitioner is not granted one more opportunity to conclude his evidence, he would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner to conclude his evidence.

In the wake of the above, without issuing notice to the respondents, to avoid any further delay as well as expenses which the respondents shall have to incur to defend these proceedings, the

impugned order dated 12.11.2021, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to conclude his evidence.
2. In the event of default by the petitioner, the case shall not be adjourned any further for plaintiff evidence and consequently his evidence shall be deemed to be closed.
3. This, however, shall be subject to payment of costs in the sum of ₹ 10,000/- to be paid to the respondents, which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

October 31, 2022

rps

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