

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3287-2022
Decided on : 22.08.2022

Manjit Singh

..... Petitioner

Versus

Ranjit Singh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Singla, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner is aggrieved by the impugned order dated 25.07.2022 (Annexure P-4), passed by Addl. Civil Judge (Sr. Divn.), Amloh vide which evidence of the petitioner-defendant was closed.

Learned counsel for the petitioner *inter alia* contends that the issues in the present case were framed way back on 31.08.2018 and the evidence of the plaintiff was closed on 12.10.2021. While inviting the attention of this Court to the impugned order dated 25.07.2022(Annexure P-4), learned counsel submits that the petitioner had already examined himself as DW-1 on 18.07.2022 and thereafter, his evidence was closed in the affirmative. Learned counsel further submits that two witnesses i.e. Jaswant Singh s/o Avtar Singh and Hardev Singh s/o Karnail Singh are required to be examined in support of his case. Learned counsel prays that a compassionate view be taken and the petitioner be granted an opportunity to adduce his evidence.

Heard learned counsel and perused the impugned order.

No doubt, issues in the present case were framed way back on

31.08.2018. However, the fact remains that on account of the pandemic, normal Court proceedings could not take place. In case, the petitioner is not granted another opportunity to adduce his evidence, he could suffer irreparable loss, which in turn may result in miscarriage of justice. To settle the equity, the respondent can always be compensated with suitable costs.

Therefore, without issuing any notice to respondent and to avert any further delay, and also expenses which the respondent may have to incur to defend these proceedings, the impugned order dated 25.07.2022 is set-aside and the revision petition is disposed of in the following terms:-

- (i) The petitioner shall appear and adduce his evidence on the next date of hearing before the trial Court.
- (ii) In the event of default, the matter shall not be adjourned and no further opportunity shall be granted to the petitioner. The petitioner's evidence would then be deemed to be closed.
- (iii) This, however, shall be subject to costs of Rs.5,000/-, to be paid to the respondent, which shall be a condition precedent.

22.08.2022
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(MANJARI NEHRU KAUL)
JUDGE

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