

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

CR No.3685 of 2022

Date of decision: 8th September, 2022

Nikal Singh

... Petitioner

Versus

Ranjit Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is aggrieved by the impugned order dated 17.08.2022 (Annexure P-4) passed by Civil Judge (Jr. 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 17.11.2021. While inviting the attention of this Court to the impugned order dated 17.08.2022 (Annexure P-4), learned counsel submits that the petitioner had already examined himself as DW-1 and thereafter, his evidence was closed in the affirmative. Learned counsel further submits that three witnesses i.e. Jaswant Singh son of Avtar Singh; Manjit Singh son of Nikal Singh and the Handwriting and Fingerprint Expert 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 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 17.08.2022, is set-aside and the revision petition is disposed of in the following terms:-

1. The petitioner shall appear and adduce his evidence on the next date of hearing before the trial Court;
2. 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.
3. This, however, shall be subject to costs of ₹ 5,000/- to be paid to the respondent, which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

September 8, 2022

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No