

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

118

CR-3756-2022 (O&M)
Date of decision: 09.09.2022

CHARUSILLA DECEASED AND OTHERS

....Petitioner

Versus

VIJAY PARBHA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Sharma, Advocate
for the petitioners.

MANJARI NEHRU KAUL. J. (ORAL)

The instant revision petition has been filed for setting aside of the order dated 09.08.2022 (Annexure P-11) passed by learned Civil Judge (Jr. Division), Rohtak, whereby, the trial Court has dismissed the application for permission to lead additional evidence and for setting aside of the order 09.10.2019 (Annexure P-8), whereby the trial Court has closed the documentary evidence of the petitioners/defendants by order.

Learned counsel for the petitioners submits that it was on account of genuine reasons that the petitioners/defendants were unable to file documentary evidence. He further contends that the learned trial Court has erroneously dismissed the application for permission to lead additional evidence on twin grounds that the defendants had not challenged the order whereby the documentary evidence was closed by order and that the defendants were having knowledge about the documents which they propose to file by way of additional affidavit since beginning, however, the same were not filed earlier.

A prayer has, therefore, been made that a compassionate view be taken and the petitioners may be granted one last effective opportunity to lead additional evidence.

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

The petitioners were granted effective opportunity to file documentary evidence, however, they failed to do so.

Be that as it may, if the petitioners are not granted one more opportunity to lead additional evidence, they 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 petitioners to lead additional evidence.

In the wake of the above, the impugned order dated 09.08.2022 (Annexure P-11) and 09.10.2019 (Annexure P-8) are set aside. The instant revision petition is allowed in the following terms:-

1. The petitioners are granted one last effective opportunity to adduce the relevant documents by way of additional evidence.
2. In the event of default by the petitioners, the case shall not be adjourned any further for leading additional evidence and consequently their evidence shall be deemed to be closed by order.
3. This, however, shall be subject to payment of costs in the sum of Rs.10,000/- to be paid to the respondents which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

September 09, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*