

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

CR No.4280 of 2022

Date of decision: 10th October, 2022

Pintu

... Petitioner

Versus

Sudesh Rani & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harsh Mehla, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside of the order dated 06.09.2022 passed by learned Civil Judge (Jr. Divn.), Jagadhri (Annexure P-3) vide which the evidence of the petitioner/plaintiff was closed by Court order.

Learned counsel for the petitioner *inter alia* contends that the petitioner filed a civil suit seeking declaration of the sale deeds pertaining to the suit property, duly described and detailed in the head note of the plaint, as being null and void, as well as seeking permanent injunction restraining the defendants from alienating the suit property in any manner whatsoever. He submits that vide order dated 18.07.2016 defendant No.2 was proceeded against ex-parte and on 12.03.2019 defendant No.1 filed her written statement. Thereafter, on 06.09.2022

the suit was fixed for plaintiff's evidence, however, he sought an adjournment on the ground that the evidence which is in the form of revenue record, was not readily available with him. It is further submitted that on account of the restricted functioning due to the outbreak of the pandemic COVID-19, it took around a year for the petitioner to collect all the relevant revenue record as the same dates back to year 1904. Still further, the said revenue record, which is the very foundation of his case, was in Urdu language and it took around eight months in getting the same translated. Learned counsel submits that since the petitioner is not well versed with the nitty gritty of the Court proceedings, a lenient view be taken, coupled with the fact that the Hon'ble Apex Court had also been taking a lenient view and extending the period of limitation on account of the conditions subsequent to the outbreak of the pandemic. It is submitted that it was on account of the genuine reasons that the petitioner was unable to lead 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/plaintiff is not granted one more opportunity to lead 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 lead 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 06.09.2022, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner/plaintiff is granted one last effective opportunity to lead his documentary evidence.
2. In the event of default by the petitioner, the case shall not be adjourned any further for plaintiff's 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 ₹ 2,000/- to be paid to the respondents which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

October 10, 2022

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No