

CR-4919-2022

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

CR-4919-2022

Date of Decision: November 16, 2022

Vinay Kapila

...Petitioner

Versus

Indu Sood and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vijay Rana, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner is defendant No.2 before Ld. trial Court in Civil Suit No.744 of 2017 titled ***“Indu Sood vs Smt. Bimla Kapila and another”***. Vide impugned order dated 22.09.2022 (Annexure P-4), evidence of the defendants has been closed after observing that said defendants had failed to conclude the evidence despite availing many opportunities. Request for one last opportunity was declined.

2. It is contended by learned counsel that after the case came at the stage of defendants' evidence, evidence could not be produced due to the intervening COVID period. Learned counsel requests that only two effective opportunities are required for concluding the evidence.

3. Heard.

4. Impugned order dated 22.09.2022 is set aside. The petitioner-defendant No.2 is granted two effective opportunities to produce their entire evidence, whether to be produced at their own responsibility or whether any witness is to be got summoned through the Process Serving Agency of the Court. This is subject to ₹10,000/- as cost

CR-4919-2022

to be paid to respondent No.1-plaintiff by way of bank draft. The trial Court is directed to fix a date for evidence of the defendants accordingly and proceed further in accordance with law.

5. This order has been passed without serving notice to the respondents in order to avoid any delay in the matter. However, if respondent No.1-plaintiff is aggrieved by this order, she has the liberty to approach this Court.

6. Revision is accepted.

November 16, 2022
sarita

(DEEPAK GUPTA)
JUDGE

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