

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

284

CR-6366-2019

Date of decision: 22.08.2022

Kollamparambil Babu Joseph

.....Petitioner

Versus

M/s Luxottica India Eyewear Pvt. Ltd.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagjot Singh, Advocate
for the petitioner.

Mr. Varun S. Ahuja, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed for setting aside of the order dated 05.09.2019 (Annexure P-1) passed by learned Civil Judge (Sr. Divn.), Gurugram whereby evidence of the petitioner/defendant was closed by order.

Learned counsel for the petitioner submits 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 petitioner may be granted one last effective opportunity to lead his evidence.

Learned counsel appearing for the respondent submits that he does not have any objection in case one last effective opportunity is granted to the petitioner for leading his evidence subject to payment of costs.

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

The petitioner was granted several opportunities to lead his evidence, however, he failed to do so.

Be that as it may, if the petitioner 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, the impugned order dated 05.09.2019, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to lead his evidence.
2. In the event of default by the petitioner, the case shall not be adjourned any further for leading his evidence and consequently his evidence shall be deemed to be closed by order.
3. This, however, shall be subject to payment of costs in the sum of Rs.7,000/- to be paid to the respondent which shall be a condition precedent.

22.08.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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