

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

(111)

CR-5496-2022

Date of Decision:-24.11.2022.

Jasvir Singh and others

.....Petitioners

Versus

Gurmeet Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

ALOK JAIN, J.

The present revision has been preferred impugning the order dated 05.08.2022, whereby, the evidence of petitioner-defendant has been closed by order.

Counsel for the petitioner has submitted that the petitioner had deposited the process and for summoning eight witnesses and in fact one witness namely, Gurjeet Singh, a Clerk from Rojana Ajit, was bound down and his bailable warrants were issued for 17.01.2020 and despite the same, the Court could not secure his presence, which prejudiced the defence. He further submits that he could not complete the evidence on account of Covid-19 also and, hence, has prayed that reasonable opportunity to the extent of two effect opportunities be granted to complete his entire evidence.

Without going into the merits of the case and in light of the fact that the procedures are handmade of justice and no prejudice would be caused to the respondent plaintiff and rather an opportunity to lead the

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evidence would entail substantive justice in terms of right of the petitioner to defend the suit.

At this stage, issuance of notice to the respondent will only cause procrastination and delay in proceedings in the main suit. The delay already caused can be compensated by imposing cost on the petitioner.

Accordingly, without going into merits of the case, the present revision petition is allowed granting two effective opportunities to the petitioner-defendant after 09.12.2022 i.e. the next date of hearing before the Trial Court.

The order dated 05.08.2022 is set aside and the petitioner is further directed to remit a sum of Rs.15,000/- as cost to the plaintiff-respondent. That the trial Court is also requested to consider the expedition of the suit and decide the same preferably within four months after the grant of two effective opportunities to the defendant. It is made clear that in case the defendant fails to complete his entire evidence on 09.12.2022 and two more effective dates thereafter, his defence shall stand closed automatically without any further orders.

Revision petition stands disposed of in above terms.

(ALOK JAIN)
JUDGE

November 24, 2022.

Sandeep

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No