

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

109

CR-6126-2022

Date of decision: 22.12.2022

Gurbaj Singh

.....Petitioner

Versus

Davinder Pritpal Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Puja Chopra, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside of the order dated 15.09.2022 (Annexure P-1) passed by learned Civil Judge (Jr. Divn.), Patiala whereby evidence of the petitioner was closed by order in CS-1514-2015 titled as 'Gurbaj Singh Vs. Davinder Pritpal Singh etc.'.

Learned counsel for the petitioner submits that on 17.01.2019, neither the counsel for the petitioner nor the petitioner himself could appear before the Trial Court due to noting down of wrong date and the civil suit was dismissed in default which was restored vide order dated 03.12.2020 on an application moved by the petitioner. Thereafter, due to outbreak of pandemic covid-19, the petitioner could not conclude his evidence on time and his evidence was closed vide the impugned order. A prayer has, therefore, been made that a compassionate and lenient view be taken and the petitioner may be granted one last effective opportunity to lead his evidence.

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

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, without issuing notice to the respondent, to avoid any further delay as well as expenses which the respondent shall have to incur to defend these proceedings, the impugned order dated 15.09.2022, 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.15,000/- to be paid to respondent which shall be a condition precedent.

22.12.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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