

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

CR-292-2023 (O&M)

Date of decision: January 17, 2023

Jai Lal and others

....Petitioners

versus

Ramdia

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Lekh Raj Nandal, Advocate for the petitioners.

ARUN MONGA, J. (ORAL)

Present revision petition is against the impugned order dated 28.10.2022(Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Meham, whereby evidence of the defendant-petitioners was closed by Court order. Further prayer has been made to set aside impugned order dated 12.12.2022 (Annexure P-2) passed by learned Additional Civil Judge (Senior Division), Meham, whereby application of the defendant-petitioners for additional evidence has been dismissed.

2. Learned counsel for the petitioner-defendants *inter alia* contends that petitioner-defendants moved an application to lead additional evidence on the ground that due to inadvertent mistake, the electricity bill of house in question could not be exhibited along with some receipts of transactions that took place between the parties. Learned Courts below however, dismissed the said application and closed the evidence of the petitioner-defendants vide impugned orders. He further contends that petitioner-defendant No.1 is a senior citizen and could not properly communicate with his counsel regarding

the order whereby his evidence was ordered to be closed. Thereafter, upon the advice of counsel, he moved an application for additional evidence, but the same was also dismissed by the Court below.

3. Given the nature of order being passed, there is no necessity to issue notice to the respondent, as no prejudice would be caused to him. Notice to the respondent is dispensed with.

4. Heard.

5. In view of the aforesaid statement of learned counsel for the petitioner-defendants, the revision petition is allowed, subject to payment of costs of Rs.10,000/-.The costs be paid to the plaintiff-respondent. Petitioners be given one opportunity to adduce additional evidence, as aforesaid. It is, however, made clear that if the evidence is not adduced on the next date of hearing, no further opportunity for this purpose shall be granted to the petitioner-defendants.

(ARUN MONGA)
JUDGE

January 17, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable:	Yes/No
---------------------	--------