

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

CR-294-2021 (O&M)

Date of decision : 08.02.2023

Chief Executive Officer & Anr.

... Petitioner(s)

Versus

Ashok Kumar

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.N. Malik, Advocate for the petitioners

None for the respondent.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 04.02.2021 (Annexure P-2) passed by the Waqf Tribunal, Rohtak vide which the evidence of the defendant-petitioners has been closed by order.

Notice of motion was issued in the present case on 17.02.2021. None has been putting in appearance on behalf of the plaintiff-respondent despite service. The plaintiff-respondent is, accordingly, proceeded against *ex parte*.

Learned counsel for the defendant-petitioners would contend that on the day the evidence was closed, the witnesses were present, however, the counsel was in personal difficulty and could not come to the Court as his wife was admitted in hospital, therefore, the witnesses could not

be examined on 04.02.2021. Learned counsel would further contend that if given one effective opportunity, the defendant-petitioners would conclude their entire evidence.

Heard.

In the present case the reason for being not being able to examine the witnesses as stated by the learned counsel for the defendant-petitioners is that though the witnesses were present, the counsel could not come to the Court as his wife was unwell. Learned counsel for the defendant-petitioners has made a categorical statement that if given one effective opportunity, the defendant-petitioners would lead their entire evidence and there would be no further delay in the proceedings on their account.

In view of the above, the present revision petition is allowed. The impugned order dated 04.02.2021 (Annexure P-2) is set aside. The defendant-petitioners shall be granted one effective opportunity to lead their entire evidence subject to payment of Rs.10,000/- as costs to be paid to the plaintiff-respondent.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.02.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO