

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

119

CR-2024-2023

Date of Decision :29.03.2023

Simpy Singhal and another**...Petitioners**

Versus

**Bajrang Prashad Singhal (dead) through
LR and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Anmol Dutt Sharma, Advocate for the petitioners.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners submits that on the next three dates of hearing fixed before the trial Court, the entire defence evidence will be produced by the petitioners-defendants on their own and no further adjournment will be sought.

Learned counsel for the petitioners further submits that as the dispute is between petitioner No.1 and her in-laws qua the property of her husband, the same needs to be decided on merits hence, impugned order dated 16.03.2023 (Annexure P-1) closing the defence of the petitioners may kindly be set aside and an opportunity be given to produce the evidence, even if, the said opportunity is to be given by imposing cost so as to compensate the plaintiffs-respondents.

Learned counsel for the petitioners-defendants further submits that the plaintiffs-respondents have taken four years to conclude the

evidence whereas, the evidence of the petitioners-defendants only started in December 2022, hence, request for additional opportunities be considered, keeping in view the time taken by the plaintiffs to lead evidence.

Keeping in view the facts and circumstances of the present case, impugned order dated 16.03.2023 (Annexure P/1) closing the defence of the petitioners is set aside with clear condition that the petitioners-defendants will produce the entire evidence on the next three dates of hearings fixed before the trial Court.

In order to compensate the respondents-plaintiffs for the delay which has occurred, petitioners-defendants have undertaken that they will pay the cost of Rs.5000/- to the respondents-plaintiffs on the next date of hearing fixed before the trial Court.

As the present order is passed without issuing notice of motion to the respondents-plaintiffs, in case any prejudice is caused to the respondents-plaintiffs, they will be free to file an application in the present proceedings so as to revive the same.

March 29, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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