

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CR No. 2142 of 2023

Date of Decision : 12.04.2023

M/s Gopal Ji & Company

...Petitioner

Versus

Mahesh Chand Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that his evidence has been closed by the court below by ignoring the fact that the petitioner had filed another civil revision being CR No. 61 of 2023 seeking the constitution of a Medical Board to assess the disability of the respondent herein, which was pending before this Court for adjudication and without waiting for the outcome of the said petition, the impugned order has been passed. Learned counsel submits that only one more opportunity be granted to the petitioner to lead all the evidence required even if the same is to be granted by imposing cost so as to compensate the respondent for the delay caused.

Keeping in view the fact that the dispute between the parties needs to be decided on merit by extending due opportunity to bring on record their claim/defence as far as possible, hence, keeping in view the

facts and circumstances of the present case, the order dated 03.03.2023 (Annexure P-10) closing the evidence of the petitioner is set-aside with the clear indication that only one opportunity is to be extended to the petitioner to lead entire evidence, which opportunity will be availed by the petitioner on the next date of hearing before the trial court and the petitioner will lead all his evidence without any fail. In case the said opportunity is not availed to lead the entire evidence, no further opportunity will be granted under any circumstances. However, the said opportunity granted will be subject to payment of cost of ₹10,000/-, as undertaken by the learned counsel for the petitioner, to be paid to the respondent so as to compensate him for the delay, which has occurred keeping in view the act attributed to the petitioner.

Civil revision petition is allowed in above terms.

April 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No