

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CR-2340-2023 (O&M)

Date of Decision : May 04, 2023

Sewa Alias Sewa Devi and another

.. Petitioners

Versus

Bhullan Devi Through Lrs and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarun Hans, Advocate, for
Mr. Vikram Singh, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-7843-CII-2023

As prayed for, the application is allowed.

Annexures P-7 to P-18 are taken on record.

CR-2340-2023

1. Present civil revision petition has been filed for setting aside the order dated 17.03.2023 (Annexure P-6) by which, the evidence of defendants No. 3 and 4 has been closed.

2. Learned counsel for the petitioners submits that the opportunities which were given for leading the evidence, were given to the defendants No. 1 and 2 and not to the other defendants, which is clear from the order dated 13.02.2023 (Annexure P-13) of the trial Court and had it

been known to the defendants No. 3 and 4 that they can also produce their evidence while the opportunity was being given to defendants No.1 and 2, they would have produced the same and it was only due to the confusion that the evidence sought to be produced by defendant No.3 and 4 could not be brought on record.

3. Learned counsel for the petitioners further submits that one opportunity may kindly be granted to the petitioners to lead all the evidence. Learned counsel for the petitioners further submits that the next date of hearing before the trial Court is 05.05.2023 and in case one opportunity is granted, all the evidence required for will be led on the said date itself and no further opportunity will be asked for, even if the said opportunity is to be extended with the imposition of cost.

4. Keeping in view the factual statement stated hereinbefore, coupled with the settled principle of law that the dispute between the parties should be decided on merits as far as possible, as being prayed for, one more opportunity is granted to defendants No. 3 and 4 to produce all their evidence on the next date of hearing i.e. 05.05.2023.

5. It is made clear that the duty of bringing the witnesses for recording the evidence to the Court will be the responsibility of the petitioners only. However, for the delay caused, the petitioners are directed to pay a sum of Rs.5,000/- as cost to the respondents-plaintiffs so as to compensate them .

6. As the present order is being passed without hearing the other side, in case the respondents feel prejudice in any manner, they will be free to file appropriate application to revive the present petition.

7. The present civil revision petition is allowed in above terms.

May 04, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No