

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

**CR-3034-2023**

**Date of Decision: 17.05.2023**

**Joginder Singh**

**...Petitioner**

**Versus**

**Ram Mehar and others**

**...Respondents**

**CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Parminder Singh, Advocate  
for the petitioner.

**HARSIMRAN SINGH SETHI, J. (Oral)**

The present civil revision has been filed challenging the order dated 19.04.2023 (Annexure P-2) passed by the learned Civil Judge, Indri, District Karnal, vide which the evidence of the petitioner/plaintiff has been closed.

Learned counsel for the petitioner submits that one more opportunity be granted so as to produce the entire evidence, even if the same is to be extended on the payment of cost.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

It is a settled principle of law that the lis between the parties should be decided on merits as far as possible by giving due opportunities to the parties. Though, in the present case, the due opportunity was given to the petitioner but in the interest of justice, another opportunity is being granted to produce the entire evidence on the next date of hearing, which is stated to be 22.05.2023 as the same will

CR-3034-2023

-2-

not prejudice the other side except delay in conclusion of the proceedings. No further opportunity will be granted in case the opportunity being extended by this order, is not availed. The present order is being passed, keeping in view the fact disclosed to this Court that the defence evidence is yet to start.

Keeping in view the above, the order dated 19.04.2023 (Annexure P-2) is set aside with the clear indication that one more opportunity is granted to the petitioner/plaintiff to produce the entire evidence on the next date of hearing i.e. 22.05.2023 but the said opportunity will only be availed after the payment of Rs.5000/- as costs to be paid to the respondents/defendants so as to compensate for the delay which has been caused due to the act attributed to the petitioner.

As the present order is being passed without hearing the respondents, in case the respondents feel prejudice, they will be entitled to revive the present petition by filing an appropriate application.

17.05.2023

*ps-I*

(HARSIMRAN SINGH SETHI)  
JUDGE

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