

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

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CR-3380-2019 (O&M)
Date of decision: 02.03.2023

Ghanshyam and another

...Petitioners

Versus

Bachu Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioners.

Mr. Kunal Dawar, Advocate for respondent No.1.

NIDHI GUPTA, J (Oral)

Mr. Kunal Dawar, Advocate has put in appearance on behalf of respondent No. 1 and filed his Power of Attorney, which is taken on record.

Prayer in this Revision Petition is for setting aside order dated 26.02.2019 (Annexure P-1) in case No.CS/2464/2015, titled as 'Bachu Singh vs. Ghanshyam', passed by the learned Civil Judge (Jr. Divn.), Faridabad, vide which the application for leading additional evidence by the petitioners/defendants was dismissed.

Learned counsel for the petitioners submits that the learned trial Court erred in passing the impugned order as no proper opportunity was given to the petitioners/defendants to lead additional evidence. After arguing for some time, learned counsel submits that one effective opportunity may be granted to the petitioners to conclude the entire

evidence, as grave injustice will be caused to them if they are not permitted to do so.

Keeping in view the above facts as canvassed by ld. Counsel for the petitioners, this petition is allowed and impugned order dated 26.02.2019 (Annexure P-1) is set aside. The learned Court below is directed to grant one effective opportunity to the petitioners/defendants to conclude their entire evidence, however subject to payment of Rs.5000/- as costs to the plaintiff-respondent No.1.

Disposed of as above.

Pending application, if any, also stands disposed of.

02.03.2023

Vijay Asija

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(NIDHI GUPTA)
JUDGE