

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

CR-2932-2022 (O&M)
Date of decision : 14.02.2023

Sarabjit Singh & Anr.

... Petitioner(s)

Versus

Dalbir Singh & Ors.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Inder Pal Singh, Advocate for the petitioners.

Mr. K.S. Boparai, Advocate with
Ms. Archana Vashisht, Advocate for the respondents.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 02.07.2018 (Annexure P-3) whereby the evidence of the plaintiff-petitioners has been closed.

Learned counsel for the plaintiff-petitioners has contended that the evidence could not be led on the ground that the plaintiff-petitioners were not keeping well. Learned counsel has further contended that there are five witnesses who are required to be examined i.e. two being the plaintiffs themselves, 2 others and one official. He has further contended that if given two effective opportunities, the plaintiff-petitioners would lead their entire evidence at their own risk and responsibility.

Per contra, learned counsel for the defendant-respondents has contended that despite several opportunities, the evidence was not led and

hence, the evidence was rightly closed. Thereafter, the suit was dismissed for non-prosecution which has recently been restored. Learned counsel has further pointed out that even the costs which were imposed was not paid.

Heard.

In the present case, no doubt the plaintiff-petitioners have been remiss in leading their evidence. However, in order to do complete justice between the parties, the plaintiff-petitioners are granted two effective opportunities to lead their entire evidence at their own risk and responsibility, subject to payment of Rs.30,000/- as costs to be paid to the defendant-respondents, to be shared equally. The payment of costs would be a condition precedent.

It is made clear that in case the plaintiff-petitioners wish to appear as their own witnesses, they would step into the witness box first and thereafter the evidence of the other witnesses is to be recorded.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

14.02.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO