

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3882-2023
DECIDED ON: 13.07.2023

GURSHARAN SINGH

.....PETITIONER

VERSUS

RUPINDER SINGH SNCE DECEASED THROUGH HIS LRS AND
OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Nikhil Chopra, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

1. The present Revision Petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 13.03.2023 (Annexure P-7) passed by the Additional Civil Judge (Senior Division), Kapurthala vide which the evidence of the petitioner-plaintiff has been closed on account of non-payment of costs of ₹5,000/- which were imposed vide order dated 13.02.2023.

2. Learned counsel for the petitioner submits that non-deposit of costs was not intentional but was on account of a *bona fide* mistake. He further submits that the petitioner is willing to deposit the said costs within a period of one week from today. He also submits that the petitioner has to examine only two more witnesses and would avail only two effective opportunities for the same.

3. I have considered the matter. The evidence of the petitioner-plaintiff was closed by way of the order impugned in the present petition on account of non-payment of costs of ₹5,000/- which had been directed to be

paid vide order dated 13.02.2023. Though, there is no infirmity in the order passed by the trial Court, this Court deems it appropriate to grant one more opportunity to the present petitioner-plaintiff to deposit the costs imposed by the trial Court vide order dated 13.02.2023. If the said costs are deposited within a period of one week from today, the petitioner-plaintiff shall be granted two effective opportunities as per the convenience of the trial Court to conclude the evidence by examining two more witnesses. This shall, however, be subject to payment of further costs of ₹5,000/- which shall be payable to the defendants.

Accordingly, the present petition is disposed of.

(VIKRAM AGGARWAL)
JUDGE

13.07.2023

Prince Chawla

Whether speaking/reasoned Yes/No

Whether reportable Yes/No