

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

**Civil Revision No. 4634 of 2023(O&M)
Date of Decision: 17.08.2023**

Sukhvir Singh

...Petitioner

Versus

Lakhwinder Singh Randhawa

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. M.S. Uppal, Advocate and
Mr. Arun Sharma, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/ plaintiff against the order dated 11.07.2023 (Annexure P-1) passed by the Court of learned Civil Judge (Sr. Divn.), Mansa, whereby the evidence of the petitioner has been closed by order in civil suit titled Sukhvir Singh Vs. Lakhwinder Singh Randhawa.

2. The counsel for the petitioner submits that aforesaid civil suit has been filed by the petitioner against the respondent/ defendant and due to some unavoidable circumstances the petitioner was unable to conclude his evidence and finally the learned trial Court passed impugned order dated 11.07.2023. The counsel for the petitioner made prayer that one more opportunity be given to the petitioner to conclude his evidence, otherwise it is going to prejudice the case of the petitioner.

3. I have considered the submissions made by counsel for the petitioner.

4. It has been observed by Hon'ble Supreme Court in **Sardar Amarjit Singh Kalra (dead) by LRs and Ors. Vs. Parmod Gupta (Smt.) (dead) by LRs and Ors. 2003(3) SCC 272**, that rules and procedure are handmaid of justice. These are meant to enhance the cause of justice and not to scuttle the same.

5. This Court is of the view that to do complete justice between the parties, one final opportunity could be granted to the petitioner to conclude his entire evidence, but that can only be on punitive terms.

6. Accordingly, this revision petition is allowed and order, under challenge, is set aside. The trial court is directed to grant one effective opportunity to the petitioner to adduce the evidence subject to payment of costs of Rs.10,000/- to the respondent/ defendant which shall be paid before leading the evidence before the trial Court.

7. Keeping in view the circumstances mentioned above, this petition is being disposed of without issuing any notice to the opposite party. If respondent is summoned to contest this litigation, he will have to incur huge expenses to defend this case. However, liberty is granted to the respondent that if he feels dissatisfied with this order, he may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

17.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No