

123.

2023:PHHC:142028

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

CR-6486-2023

Date of decision: 07.11.2023

GUPTA PROPERTY DEVELOPERS PVT LTD & ORS. Petitioners

Versus

AVTAR SINGH SANDHU AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sachin Mittal, Advocate, for the petitioners.

GURBIR SINGH, J. (Oral)

Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 24.08.2023 (Annexure P-3) passed by the Civil Judge (Senior Division), SAS Nagar, Mohali, whereby the evidence of the petitioners-defendants was closed by order.

After arguing for some time, learned counsel for the petitioners-defendants submits that the petitioners would be satisfied if only one opportunity is given to them to examine one Azad Singh Lohchak, who is lessor from whom the property was taken by the petitioners in order to prove the lease deed as well as rent receipts and the payments made to him. It is submitted that the premises in question were vacated in November, 2019 and and on 14.11.2019, they had taken another property.

Learned counsel for the petitioners submits that the petitioners would not claim any other date for examining the said witness and they will produce their evidence at their own responsibility.

The suit was filed in the year 2022. On 16.03.2023, the respondents-plaintiffs closed their evidence and the case was adjourned to 05.04.2023 for the evidence of defendants and the plaintiffs-respondents were also directed to pay the previous costs of Rs.500/-, which cost was never paid by the plaintiffs. Thereafter, the case was adjourned to 08.05.2023 and then to 24.05.2023 and to 11.07.2023, on which date, the Bar had passed a resolution to suspend the work due to flood like situation in many areas of the District and the case was adjourned to 24.08.2023 and on said date, the evidence of the defendants was closed by order.

Keeping in view the fact that the procedure is handmaid to the administration of justice and it is meant for advancement of justice and the litigant should not be non-suited for minor inaction unless some right is accrued in favour of the other party.

It notice of this petition is given, then it may linger on the case further and will also put financial burden on the respondents-plaintiffs.

So, in the interest of justice, present petition is disposed of with a direction to the trial Court to give one effective opportunity to the petitioners-defendants to examine one witness, namely, Azad Singh Lohchak at his own responsibility, however, at the costs of Rs.5,000/- to be paid to the respondents-plaintiffs. In case of default, the order shall automatically stand vacated.

If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

(GURBIR SINGH)
JUDGE

November 7, 2023
sanjeev

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