



234

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

CR-6362-2016 (O&M)
Date of Decision : 29.05.2024

Gurmukh Singh (deceased) through LRsPetitioner(s)

VERSUS

Ram Kishan @ Ram Singh and Ors.Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Amandip Kaur, Advocate for the petitioners.
Mr. H.S. Saini, Advocate for respondent No.4.

ALKA SARIN, J. (Oral)

1. Challenge in the present revision petition is to the order dated 28.07.2016 (Annexure P-1) whereby the evidence of the plaintiff-petitioners was closed.
2. Learned counsel for the plaintiff-petitioners would contend that given two effective opportunities, the plaintiff-petitioners would conclude their entire evidence at their own risk and responsibility and that the plaintiff-petitioners are also willing to compensate the defendant-respondents.
3. Learned counsel for defendant-respondent No.4 states that despite sufficient opportunities the evidence was not led and hence the impugned order was rightly passed closing the evidence. It has further been pointed out that since 18.10.2016 proceedings before the Trial Court had been stayed and that the defendant-respondents have already been embroiled in a prolonged litigation because of the conduct of the plaintiff-petitioners.

4. I have heard the learned counsel for the parties.

5. In the present case the challenge is to the order dated 28.07.2016 vide which the evidence of the plaintiff-petitioners was closed as the witnesses who had been bound down did not come present. The present suit was filed by Gurmukh Singh (since deceased) for declaration on the basis that he had got a right in the suit property being joint Hindu family ancestral and coparcenary property. The learned counsel for the plaintiff-petitioners has contended that given two effective opportunities, the plaintiff-petitioners would lead their entire evidence at their risk and responsibility. No doubt despite numerous opportunities the evidence was not led, however, in order to do complete justice between the parties, two effective opportunities are granted to the plaintiff-petitioners to lead their entire evidence at their own risk and responsibility, subject to payment of costs of Rs.30,000/- to be paid to the defendant-respondents, which shall be a condition precedent. It is made clear that in case the evidence is not led as directed, the present revision petition shall be deemed to having been dismissed.

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

29.05.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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