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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2879-2024 (O&M)
Date of decision : 23.05.2024

Jaipal ... Petitioner(s)
Versus
Anita ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parveen Kaushik, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed against the impugned order dated 10.04.2024 (Annexure P-3) whereby the evidence of the defendant-petitioner has been closed.
2. Learned counsel for the defendant-petitioner would contend that given two effective opportunities the defendant-petitioner would conclude his entire evidence at his own risk and responsibility as there are only four witnesses to be examined. It is further the contention of the learned counsel that the defendant-petitioner is willing to compensate the plaintiff-respondent by way of costs.
3. Mr. Anmol Jindal, Advocate has put in appearance on behalf of the plaintiff-respondent and has filed his *vakalatnama*, which is taken on record. The learned counsel for the plaintiff-respondent states that the defendant-petitioner has been delaying the matter and despite several

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opportunities the evidence was not led by him and hence his evidence has rightly been closed vide the impugned order.

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

5. In the present case the suit has been filed by the plaintiff-respondent for permanent as well as mandatory injunction. The evidence of the defendant-petitioner was closed vide the impugned order dated 10.04.2024 (Annexure P-4) for not having led his evidence despite several opportunities. The learned counsel for the defendant-petitioner has stated that given two effective opportunities, the defendant-petitioner would conclude his entire evidence. In view of the statement made by the learned counsel for the defendant-petitioner and keeping in view the fact that only four witnesses need to be examined and in order to impart complete justice between the parties, this Court deems it appropriate to grant two effective opportunities to the defendant-petitioner to lead his entire evidence at his own risk and responsibility, subject to payment of costs of Rs.30,000/- to be paid to the plaintiff-respondent, which shall be a condition precedent. It is made clear that no further opportunity shall be granted by the Trial Court.

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

23.05.2024

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

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