



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.3271 of 2024
Date of Decision: 27.05.2024

Sushil Kumar & another
...Revisionists-Petitioners

Versus

Darshan Singh
...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. N.K. Manchanda, Advocate,
for the revisionists-petitioners.

* * * *

MEENAKSHI I. MEHTA, J. (ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioners-plaintiffs (here-in-after to be referred as 'the plaintiffs') have assailed the order (Annexure P-4) as passed by learned Additional Civil Judge (Senior Division), Fatehgarh Sahib (for short 'the trial Court') on 08.05.2024 in *Civil Suit No.845 of 2019* titled as '*Sushil Kumar and anr Vs. Darshan Singh*', whereby their evidence has been closed, while observing that they had failed to conclude the same, despite availing several effective opportunities for this purpose.

2. I have heard learned counsel for the petitioners-plaintiffs in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Though, the plaintiffs have failed to conclude their evidence well in time but keeping in view the fact that if they are deprived of the reasonable opportunity to lead their evidence to substantiate their claim in the above-said



Suit, they would suffer an irreparable loss that may further lead to/result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if they (plaintiffs) are granted two more opportunities to lead/conclude their evidence but subject to the payment of cost to the respondent-defendant.

4. Resultantly, without issuing notice to the respondent-defendant so as to avoid any further delay in the adjudication of the afore-mentioned Civil Suit and also to avert the expenses that he (respondent) may have to incur to defend in this petition, the impugned order (Annexure P-4) is set-aside and the revision-petition in hand is, hereby, disposed of with a direction to the concerned trial Court to afford two more opportunities to the plaintiffs to conclude/lead their evidence but the payment of cost of Rs.20,000/- to the respondent-defendant shall be a condition precedent for doing so and in case of default on the part of the plaintiffs in concluding their evidence or in the payment of cost on the date(s) as may be scheduled by the trial Court in terms of this order, they (plaintiffs) shall not be entitled to any further opportunity for the above-said purpose.

5. It is also clarified here that in the eventuality of the respondent-defendant feeling aggrieved by this order, he shall be at liberty to move the appropriate application to contest the instant revision-petition.

May 27, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*