

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3343 of 2024
Date of Decision: 29.05.2024

Ramdhari and others
...Revisionists-Petitioners

Versus

Kalawati and others
...Respondents

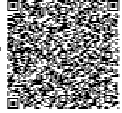
CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Rajesh Punj, Advocate
 for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

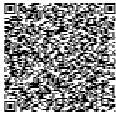
By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioners-defendants (here-in-after to be referred as ‘the defendants’) have laid challenge to the order (Annexure P-1) as handed down by learned Additional Civil Judge (Senior Division), Kaithal (for short ‘the trial Court’) on 03.05.2024 in the ***Civil Suit No.783 of 2016*** titled as ***‘Kalawati and others vs. Ramdhari and others’***, whereby their evidence has been closed, while observing that vide the order dated 18.04.2024, the Suit had been adjourned for their evidence subject to the condition that if they failed to conclude the same on the above-said date, i.e 03.05.2024, it would be deemed to be closed on that day.

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



3. Though, the defendants have failed to conclude their evidence well in time but keeping in view the fact that it has been mentioned in the impugned order that on that day, i.e 03.05.2024, their (defendants') counsel as well as the Finger-Print and Hand-Writing Expert-Shamsher Singh Malik had made separate statements in the trial Court qua the Chart, as prepared by the afore-named Expert witness, having been got misplaced by their (defendants') counsel and also the fact that if they are deprived of reasonable opportunity to lead their evidence to defend themselves 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 (defendants) are granted one more opportunity to lead/conclude their evidence but subject to the payment of cost to the respondents-plaintiffs.

4. Resultantly, without issuing notice to the respondents-plaintiffs so as to avoid any further delay in the adjudication of the afore-referred Civil Suit and also to avert the expenses that they (plaintiffs) may have to incur to defend themselves in the instant petition, the impugned order (Annexure P-1) is set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned trial Court to afford only one opportunity to the defendants to lead/conclude their evidence but however, the payment of cost of Rs.50,000/- to the respondents-plaintiffs shall be a condition precedent for doing so and in case of default on the part of the defendants in concluding their evidence or in the payment of cost on the date, as may be scheduled by the trial Court in terms of this order, they (defendants) shall not be entitled to any further opportunity for the above-mentioned purpose.



5. It is also clarified here that in the eventuality of the respondents-plaintiffs feeling aggrieved by this order, they shall be at liberty to move the appropriate application to contest the present revision-petition.

29.05.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No