



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3360 of 2024
Date of Decision: 29.05.2024

Maya Singh @ Maya Ram and another
...Revisionists-Petitioners

Versus

Sunehra Singh 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 (the plaintiffs in the Civil Suit and arrayed as respondents in the Counter-Claim and here-in-after to be referred as ‘the respondents-plaintiffs’) have assailed the order (Annexure P-1) handed down by learned Additional Civil Judge (Senior Division), Kaithal (for short ‘the trial Court’) on 03.05.2023 in **Civil Suit No.1673 of 2015** titled as ‘**Maya Singh vs. Sunehra and others**’, whereby their evidence (as respondents) in the Counter-Claim, has been closed, while observing that on 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 afore-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 respondents-plaintiffs in this revision-petition, at the preliminary stage and have perused the file carefully.



3. Though, the respondents-plaintiffs have failed to conclude their evidence in the Counter-Claim, well in time but keeping in view the fact that it has categorically been mentioned in the impugned order that the bailable warrant, as issued against their witness, i.e RW Paras Malik, in pursuance of the order dated 18.04.2024, had been received back with an application for seeking adjournment on the ground that he was not in a position to appear in the Court on that day, due to the death of his family member and also the fact that if the respondents-plaintiffs are deprived of the reasonable opportunity to lead their evidence to defend themselves in the above-referred Counter-Claim, they would suffer an irreparable loss that may further lead to/result in the miscarriage 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 (respondents-plaintiffs) are granted one more opportunity to lead/conclude their evidence but subject to the payment of the cost to the counter claimants-defendants (here-in-after to be referred as the 'counter-claimants').

4. Resultantly, without issuing the notice to the counter-claimants so as to avoid any further delay in the adjudication of the afore-mentioned Civil Suit and the Counter-Claim as well and also to avert the expenses that they (counter-claimants) may have to incur to defend in this petition, the impugned order (Annexure P-1) is set-aside and the revision-petition in hand is, hereby, disposed of with a direction to the concerned trial Court to afford only one opportunity to the respondents-plaintiffs to conclude/lead their evidence for the purpose of the Counter-Claim but the payment of cost of Rs.15,000/- to the counter-claimants (defendants) shall be a condition precedent for doing so and in case of default on the part of the respondents-plaintiffs 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 (respondents-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 counter-claimants/defendants feeling aggrieved by this order, they shall be at liberty to move the appropriate application to contest the instant revision-petition.

29.05.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No