

S. No.134

2024:PHHC:085694



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

CR No.3789 of 2024

Date of Decision:10.07.2024

Sukhwinder Kaur and another

.....Petitioners

Vs.

Balwant Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aditya Dassaur, Advocate for the petitioners.

DEEPAK GUPTA, J. (Oral)

In Civil Suit bearing No.694 of 2021 titled “Rattan Kaur and others Vs. Balwant Singh and others”, evidence of the plaintiff- petitioners has been concluded vide order dated 18.03.2024 (Annexure P.5). An application for recalling/ setting aside that order was moved, which was dismissed by learned trial Court on 07.05.2024 (Annexure P.8).

2. The short prayer made by learned counsel for the petitioners-plaintiffs is to provide one more opportunity so as to produce the remaining evidence, subject to any stringent conditions which may be imposed by this Court.

3. Perusal of the order dated 07.05.2024 (Annexure P.8) would reveal that adequate opportunities were earlier provided to the petitioners – plaintiffs before closing the evidence on 18.03.2024. It was noticed that prior to passing of the order dated 18.03.2024, last opportunity had been granted on 13.02.2024, subject to cost of ₹500/-. Neither the cost was paid nor the plaintiffs produced any evidence on the next date of hearing. Another opportunity was granted by increasing the cost to ₹1,000/- to be deposited with the District Legal Services



Authority. Even thereafter, two more opportunities were availed by the plaintiffs but they failed to either deposit the cost or produce the evidence.

4. Though the afore-said conduct of the petitioners- plaintiffs do not entitle them to be provided another opportunity but in the interest of justice, an opportunity is provided to the petitioners- plaintiffs to conclude their evidence by providing only one opportunity to them. It is subject to ₹25,000/- as cost payable by the petitioners- plaintiffs to the contesting respondents- defendants, which is to be paid by way of demand draft. This cost is in addition to the costs which were imposed by the trial Court and which are to be deposited with District Legal Services Authority. As such, trial Court is directed to fix one date only for providing opportunity to the petitioners- plaintiffs to produce their evidence to be produced at their own responsibility on which date, plaintiffs- petitioners have not only to pay the cost by way of demand draft of ₹25,000/- payable to the contesting defendants but also the receipt revealing deposit of costs which were earlier imposed by the trial Court and has to produce the evidence at their own responsibility.

5. Since this order has been passed without any notice to the opposite party, in order to avoid unnecessary delay, therefore, the contesting respondents will be at liberty to approach this Court in case they feel aggrieved.

6. Disposed of.

July 10, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No