

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 5627 of 2019 (O&M)****Date of Decision: 15.01.2024**

Lachhi Ram

... Petitioner(s)

Versus

Lajwanti

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashwani Nagra, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner herein is the defendant in a suit for declaration to the effect that the plaintiff is the owner in possession of the residential house constructed on a plot measuring 3 marlas comprised in khasra No. 138/10, situated in village Bilaspur, District Yamuna Nagar and the alleged release/transfer deed executed by the plaintiff in favour of the defendant is illegal, null and void.

2. An application filed by the petitioner for permission to lead additional evidence has been dismissed by the trial Court. In substance, the petitioner wishes to appear in evidence. The trial Court has dismissed the application on the following grounds:-

- i) The plaintiff's evidence was closed on 07.08.2018, and thereafter, the defendant has been granted as many as eight opportunities.
- ii) The defendant's evidence was closed on 02.07.2019.

Civil Revision No. 5627 of 2019 (O&M)

3. Despite service of notice, the respondent has not entered appearance. The learned counsel representing the petitioner, while referring to the treatment record of the petitioner's wife, submits that on account of the reasons beyond the petitioner's control, he could not appear in evidence. He submits that he should be granted an opportunity to appear in evidence.

4. This Court has considered the submissions of the learned counsel representing the petitioner. It is evident that the petitioner remained busy with his wife who was continuously under treatment. In such circumstances, the Court should have been more diligent in granting one opportunity to the petitioner.

5. Keeping in view the aforesaid facts, the present revision petition is allowed. The impugned order dated 26.08.2019, is set aside. The trial Court is directed to grant one opportunity to the petitioner to appear in evidence.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 15, 2024

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No