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Sushil Kumar Vs Mnaju Kumari and Others

C.R. No. 3520 of 2011

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 26, 2011

Hon'ble Judges: Arvind Kumar, J

Bench: Single Bench

Judgement

Arvind Kumar, J.
The present Petitioner is one of the Defendants in the suit for declaration titled Manju Kumari and Anr. v. Smt. Dhanno

Devi and Ors. He is aggrieved with order dated 5.4.2011 passed by the Additional Civil Judge (Sr. Division), Jhajjar, by dint of which their

evidence has been closed by order of the Court.

2. Heard.

3. It transpires from the petition that Defendants had been allowed to examine their witnesses through the process of the Court and on the date

when the impugned order was passed, four Defendants" witnesses were present and examined while the remaining witnesses could not be

examined. As such, the witnesses being summoned witnesses, their presence on the said date was beyond the control of the Defendants. There is

nothing to indicate that their object was to delay the proceedings. Counsel for the Petitioner, in all fairness, seeks only one opportunity and that too

subject to payment of costs. Rules and procedure are hand-maid of justice and are meant to enhance it and not to scuttle the same. Accordingly,

the revision petition is allowed and order under challenge set aside. The trial Court is directed to permit the Petitioner one effective opportunity for

concluding the entire evidence. The order passed is subject to payment of Rs. 10,000/- as costs, to be paid by Petitioner to the opposite side

before leading evidence, as stated above, in the trial Court.

4. Keeping in view the circumstances mentioned above, this revision is being disposed of without issuing any notice to the opposite party. If the

Respondents are summoned to contest this litigation, they will have to incur huge expenses to defend this case. However, liberty is granted to the

Respondents that if they feel dissatisfied with this order, they may move an application to recall the same.

5. The petition stands disposed of accordingly.