

CASE NO.:
Appeal (civil) 2295 of 2001

PETITIONER:
KEWAL KRISHAN

Vs.

RESPONDENT:
HARNEK SINGH (DEAD) BY LR.

DATE OF JUDGMENT: 22/03/2001

BENCH:
M.B. Shah & S.N. Variava

JUDGMENT:

L...I...T.....T.....T.....T.....T.....T.....T...J
S. N. VARIAVA, J.

Leave granted.

Respondent absent inspite of service.

We have heard Mr. Gaur. Mr. Gaur submits that Appellant/Plaintiff was present in Court and ready to give evidence but was not permitted to do so. Mr. Gaur states that if given one more opportunity the Appellant will, on the date/s fixed for hearing by the trial Court, keep himself and all his witnesses available in Court and will lead their evidence without fail. Mr. Gaur states that the Appellant will not ask for adjournment on any ground whatsoever.

In our view, end of justice requires that the Appellant be given one more opportunity of leading evidence. Accordingly the order closing the evidence of the Appellant is set aside. The trial Court is directed to permit the Appellant to lead his evidence.

The Appeal stands disposed of accordingly. Appellant to pay to the Respondent costs fixed at Rs. 500/-.