

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 2350 of 2015

Date of Decision: July 3 2015

Baldev Shahai th. LRs. Raj Dulari and ors.

.....Petitioners

Vs.

Renu Bhardwaj and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.S.D. Bansal, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

Vide impugned order, the plaintiffs have been deprived of an opportunity to summon and examine the concerned Halqa Patwari and Kanungo on the ground that the application has been filed at a belated stage and that the said witnesses are not necessary for the proper adjudication of the case.

Counsel for the petitioners has vehemently contended that the plaintiff- petitioners require the said witnesses to be examined to establish the nature of the property to be coparcenary property but he has not been able to substantiate his argument as to how the examination of said

witnesses is necessary for the just decision of the case and that as to how their statements would be relevant for establishing the fact in issue, as Section 5 of the Evidence Act permits only that evidence to be produced in a suit which establishes the existence or non-existence of a fact in issue or is relevant under the provisions of Evidence Act.

At this stage, counsel for the petitioners seeks permission to withdraw this petition without prejudice to his rights under Order 43 Rule 1 (a) CPC, as the suit is stated to be at final stage of adjudication and written arguments having already been submitted in three consolidated suits.

Disposed of as withdrawn without prejudice to the rights of the petitioners.

July 3 2015
sanjay

(M.M.S.BEDI)
JUDGE