

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

C.R. No. 5022 of 2015 (O&M)

Date of decision:- 18.08.2015

Lekh Ram and another

...Petitioners

Versus

Baljeet Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioners.

RITU BAHRI J.(Oral)

Defendants/Petitioners (for short 'petitioners') have filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 04.07.2015 (Annexure P-7) passed by learned Civil Judge (Junior Division) Faridabad, whereby the application filed by the petitioners under order 18 Rule 17 CPC read with Section 151 CPC and Section 137 of the Evidence Act, has been dismissed and order dated 07.03.2015 (P-6).

I have heard learned counsel for the petitioner and perused the case file.

Learned counsel for the petitioner contends that the respondents filed a suit on 27.05.2006 and issues were framed and the evidence of plaintiff closed on 04.08.2014 and thereafter, the case was fixed for petitioners evidence on 11.08.2014. The petitioners moved the application dated 17.03.2015 under order 18 Rule 17 CPC read with Section

151 CPC and Section 137 of the Evidence Act for leading an additional evidence to re-examine the witness namely D.W.3 Shri Sant Ram and to examine other witnesses i.e clerk of the concerned Death and Birth Department of village Rampur, Fatehpur. However, the trial Court dismissed the application on 04.07.2015. Reference has been made to order dated 29.09.2014 whereby this Court granted an opportunity to the plaintiff to get the recorded summoned from the BDO office at Dadri, District Gautum Budh Nagar (UP) with the assistance of this Court and in pursuant of that order, P.W.3 was recorded and his evidence was concluded on 20.11.2014. Thereafter, one opportunity was granted to the defendants to lead their evidence. However, on subsequent date, only one defendant witness was present whose examination in chief was recorded, and the evidence was closed by the Court order. Therefore, the applicant filed the application, which was dismissed on 04.07.2015

In view of the aforesaid, the instant revision petition is allowed and the trial court is directed to grant one more opportunity to the petitioner to re-examine D.W.3 Shri Sant Ram only, subject to payment of Rs.2,000/- as cost to be deposited before the District State Legal Services Authority, Faridabad.

August 18, 2015
G Arora

(**RITU BAHRI**)
JUDGE