

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

**Civil Revision No.5368 of 2015 (O&M)
Date of Decision: August 20, 2015**

Harpal Singh

.... Petitioner

vs.

Mohinder Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Kanwaljot Singh, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 21.07.2015 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Jalandhar, vide which the evidence of the petitioner-plaintiff was closed by order.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the petitioner contends that the evidence of the petitioner-plaintiff was closed by order vide impugned order while noticing that the issues were framed on 06.01.2011 and these were re-casted on 06.08.2013. Despite numerous opportunities, the petitioner-plaintiff failed to lead his evidence.

Learned counsel for the petitioner has drawn the attention of this Court towards order dated 13.07.2015 passed by the lower

court, vide which defendant Nos.3 and 4 were directed to give their specimen thumb impression and signatures for comparison by appearing in person on 21.07.2015, when the impugned order was passed.

It is contended that it is not noticed in the said order whether defendant No.3 had appeared to give specimen thumb impression as the plaintiff was to examine the expert. Further, Local Commissioner was appointed on 13.07.2015 for recording the evidence of Des Raj on or before 21.07.2015. The same was also not done.

Learned counsel for the petitioner prays that he may be granted two effective opportunities to conclude his remaining evidence.

Therefore, in these circumstances, without issuing notice to the opposite party, the present revision petition is allowed. The impugned order is set aside and the petitioner-plaintiff is granted two effective opportunities of one month each to conclude his evidence. For this purpose, he can take the summons through *dasti* process or any other process of the court. No further time will be granted. The petitioner-plaintiff shall also deposit ₹5,000/- as costs in the District Free Legal Aid Fund at Jalandhar.

The present revision petition is allowed accordingly.

August 20, 2015
sarita

(KULDIP SINGH)
JUDGE