

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6148 of 2015(O&M)
Date of decision: 08.12.2015

Rajinder Singh

... Petitioner

Versus

Pawan Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. AK Sachdeva, Advocate for the petitioner.
Mr. Jastej Singh, Advocate for the respondent.

1. Whether reporters of local papers 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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 03.09.2015, rendered by Additional Civil Judge (Sr. Divn.), Yamuna Nagar at Jagadhri, application moved by the tenant-petitioner under Order 16 Rules 1 & 2 of the Code of Civil Procedure read with Section 138 of the Indian Evidence Act, to provide court assistance to examine certain witnesses, had since been dismissed.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the order, dated 03.09.2015, be set aside and the trial court be

directed to grant one effective opportunity to the petitioner to examine his witnesses. And, to decide the eviction petition within a specified time.

That being so, the order dated 03.09.2015 is set aside and the revision petition is disposed of in the following terms:

i) Petitioner-tenant shall be afforded one effective opportunity to lead and conclude his entire evidence, on the date that shall be fixed by the trial court in this regard;

ii) Petitioner-tenant shall be permitted to examine, with the assistance of the court, only these witnesses; Jagdish Grover, Rakesh Kumar s/o Kharati Lal, Subhash Narula, Surinder Mohan Sharma, Tajinder Singh s/o S. Avtar Singh, Rakesh Jindal s/o Ramesh Jindal and Kaushalaya Devi w/o Om Parkash. And, no other witnesses shall be examined;

ii) In the event, petitioner fails to lead and conclude his evidence on the designated date, his evidence would be deemed to have been closed and no further opportunity shall be granted. However, if for any reason, the statement of any witness remains inconclusive or the court has to adjourn the matter, the same shall be recorded on the following day. In any event, the matter shall not be adjourned beyond two dates;

iii) Trial court shall decide the eviction petition as expeditiously as possible, but in any case, within a period of nine months from the receipt of certified copy of this order.

December 8, 2015
Rajan

(Arun Palli)
Judge