

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

CR No.6268 of 2012 (O&M)

Decided on: March 23, 2015.

Baldev Singh

.... Petitioner

Versus

Ashok Kumar and others

..... Respondents

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

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. R.D. Sharma, Advocate,
for respondents No. 13 to 16.

Mr. Rakesh Bakshi, Advocate, for
Mr. D.K.Gupta, Advocate,
for respondent No.17.

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

The plaintiffs have filed this revision petition raising a grievance that on 01.06.2012 the counsel appearing on behalf of the plaintiffs, Mr. M.S. Thakur, had closed the evidence in affirmative whereas the plaintiffs-petitioners had engaged another counsel Mr. Raman Kumar on 15.05.2012. The plaintiffs-petitioners on the basis of said averments seek fair opportunity to produce evidence.

Perusal of the interim order Annexure P-3 indicates that an application for recalling the order dated 16.07.2012 closing the evidence by the counsel for the plaintiffs has been dismissed being not maintainable. Perusal of the memo of parties and presence of counsel before the trial Court indicates that defendants No. 1 to 6 having not filed their written statement, had suffered an order of striking off their defence. Only defendants No. 13 to 16 and defendant No.18 had been contesting the suit whereas other defendants had been proceeded exparte.

The suit of the plaintiffs-petitioners is for declaration to the effect that they were owners in possession of 26 kanals and 9 marlas of land mentioned in the heading of the plaint and that the judgments and decrees dated 03.05.1985 and 31.10.1985 passed by Additional Senior Sub Judge, Pathankot was illegally and arbitrarily procured by false impersonation in place of Nanak Singh who was the father of plaintiffs No. 1 to 3 and grandfather of plaintiffs No. 4 to 7.

Notice was issued in this revision petition to the respondents on 18.10.2012. The period of more than two and half years has elapsed but the case is still listed for service of the respondents. Respondents No.1 to 3 are served for today whereas respondents No. 10 and 11 have refused the service. Most of the unserved defendants-respondents are exparte before the trial Court. Their service is dispensed with.

In the interest of expeditious disposal of the case, I deem it appropriate to dispose of this petition with a direction that plaintiffs-petitioners will be granted two effective opportunities to produce their entire evidence and documents at their own responsibility subject to payment of costs of Rs. 1,000/- each to the contesting defendants-respondents. The said two opportunities will be availed within a period of 2 months after the first date of hearing fixed, on receipt of this order. Since the order has been passed in the presence of the counsel for the plaintiffs-petitioners, effective steps will be taken by the plaintiffs-petitioners to comply with this order after 30.03.2015 which is stated to be the next date of hearing.

(M.M.S. BEDI)
JUDGE

March 23, 2015
harsha