

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

**CR No.8530 of 2015
Date of decision: 15.12.2015**

Krishan

....Petitioner

Versus

Dharam Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pankaj Chauhan, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner/defendant has come up in revision for setting-aside the order dated 17.11.2015 (Anneuxre P-1), passed by the Civil Judge (Jr. Division), Karnal, whereby evidence of the defendant/petitioner has been closed.

The suit for permanent injunction was filed in the year 2012 by the respondent/plaintiff on the ground that the plaintiff is in cultivating possession of land measuring 07 bighas, 03 biswas, out of land measuring 18 bighas, 11 biswas. The defendant No.1 to 4 were stranger to suit property and they entered into an agreement to sell with defendant No.5.

As per the zimini order, the suit was pending for

recording of the defendant's evidence on 10.09.2015 and two DWs i.e. Som Parkash and Gurdayal Singh were examined-in-chief and on the request of learned counsel for the plaintiff, the case was adjourned for 22.09.2015. The aforesaid witnesses were examined on 28.09.2015. Two witnesses i.e. Anil Kumar and Krishan were examined-in-chief on 13.10.2015 and the evidence of Anil Kumar was concluded on 02.11.2015.

Learned counsel for the petitioner has submitted that the evidence of only one witness, namely, Krishan is to be concluded.

So, keeping in view the above facts and circumstances and the fact that only one witness is required to be examined, the order dated 17.11.2015, passed by the Civil Judge (Jr. Division), Karnal, is hereby set-aside and one opportunity is being granted to the petitioner/defendant to conclude his evidence, subject to payment of cost of Rs.3,000/- to be paid to the opposite party.

Allowed, accordingly.

(RITU BAHRI)
JUDGE

15.12.2015
yakub