

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

CR No.8656 of 2015

Date of Decision: December 19, 2015

Mohan Lal

.... Petitioner

vs.

Bachna Ram alias Bachna

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rakesh Chopra, 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 03.12.2015 passed by learned Civil Judge (Jr. Divn.), Fatehgarh Sahib, vide which the last opportunity was granted to the defendant to lead evidence and no witnesses other than the ones present on the said date in the court were permitted to be examined.

Plea of learned counsel for the defendant-petitioner is that handwriting expert is to be examined and for that purpose, he has already placed on file the report of the handwriting expert along with the photographs and his affidavit.

A perusal of the file shows that as per the interim orders placed on file, the defendant has availed 15 effective opportunities to produce his evidence. For one or the other reasons, the witnesses were not examined. In the present case, some witnesses were produced after lunch.

I am of the view that there have to be some end to the litigation. In the present case, the plaintiff seeks possession from the defendant and defendant is taking benefit by delaying the disposal of the case, which is already more than five years old. However, by balancing the rights of the defendants and the interest of justice, the present revision petition is disposed of with a direction that in addition to the opportunity already granted by the lower court to examine the remaining witnesses, defendant will be given one more opportunity to examine the expert on 20.01.2016. The defendant shall supply the copy of the report of the handwriting expert to the counsel for the plaintiff in advance. The case is now stated to be fixed somewhere in January, 2016. it is further ordered that in view of the circumstances, this case will be taken up at 11.00 a.m. Both counsel will be duty bound to be present and examination of the witnesses will commence. If any of the counsel fails to appear, the court can pass appropriate order. If the defendant desires, he can obtain the summons of any other witness *dasti* and produce them on the said date. However, the court will not compel the appearance of that witness and after the said date the evidence of the defendant shall stand closed by court orders.

In view of the abovenoted observation, the present revision petition stands disposed of.

December 19, 2015
sarita

(KULDIP SINGH)
JUDGE