

CR-1069-2016

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-1069-2016

Date of decision : 12.02.2016

Saran Dass

... Petitioner

Versus

Debo Jhumat and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Bhrigu Dutt Sharma, Advocate
for the petitioner.

REKHA MITTAL. J.(ORAL)

The present petition has been directed against order dated 15.01.2016 passed by the Additional Civil Judge (Senior Division), Nakodar, closing evidence of the petitioner.

Counsel for the petitioner contends that issues in the case were framed on 18.07.2014 and since then the petitioner has availed four effective opportunities for adducing evidence. The petitioner is a citizen of Britain and on account of his absence from India, he could not ensure presence of Gurmeet Singh Sarpanch and Saroop Singh, former Sarpanch of village Buddanwal, the attesting witnesses of the registered Will dated 09.03.1999. It is further argued that some time was consumed as the parties had initiated talk for compromise. It has been argued that a serious prejudice is likely to be caused to the petitioner in case he is not permitted

to examine the attesting witnesses of the Will and the petitioner undertakes to ensure presence of aforesaid witnesses before the trial Court in case one opportunity is granted for the purpose.

I have heard counsel for the petitioner and perused the records.

The trial Court closed evidence of the petitioner on 15.01.2016 and the case is now fixed for evidence of the respondents on 24.02.2016. In the light of submissions made by counsel for the petitioner, the petition is disposed of with a direction to the trial Court to examine Gurmeet Singh, Sarpanch and Saroop Singh, former Sarpanch of village Buddanwal, the alleged attesting witnesses of the Will in case they happen to be present in the Court on that day before starting evidence of the respondents. The petitioner shall pay costs of ₹5000/- to be deposited in the Legal Services Authority, Nakodar.

Before parting with this order, it is pertinent to point out that the petition has been disposed of without notice to the respondents in order to save them from unnecessary inconvenience and expenses. However, the respondents would be at liberty to file an appropriate application in case they have any grievance to express.

(REKHA MITTAL)
JUDGE

February 12, 2016.
Davinder Kumar