

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

Civil Revision No.1392 of 2015

Date of Decision: 27.05.2016

Deepak Mehta

.....Petitioner

Versus

Navneet Mehta and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE DARSHAN SINGH.

**Present: Mr.Vivek Salathia, Advocate,
for the petitioner.**

**Mr.Harsh Manocha, Advocate,
for respondent No.1.**

**Mr.Arun Singla, Advocate
for respondent No.6.**

**Mr.Vikas Gupta, Advocate,
for respondent No.12 and 13.**

- 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?**

DARSHAN SINGH, J.(Oral)

The present revision petition has been preferred against the order dated 04.07.2014 (Annexure P-1), vide which, the petitioner who is contesting respondent-defendant No.6 has been directed to lead his evidence first.

2. Learned counsel for the petitioner contended that respondent No.1 is the plaintiff in the suit. Respondent Nos.2 to 6 are defendants who are supporting the claim of the plaintiff. They have filed their admission

written statements. Thus, he contended that as they are supporting the plaintiff so they should have been directed first to produce their evidence. In this regard, he has relied upon a judgment of Division Bench of this Court in case Harminster Pal and another Versus Pritam Dass and others, 1990(2) PLR 603 and by Coordinate Benches of this Court in cases Jagdish Versus Daulat Ram and others, 1996(1) PLR 96 and Sant Singh Versus Mohan Singh, 1993(3) PLR 71.

3. Notice of the revision petition was issued to the respondents.

4. Respondent Nos.2 to 4 were served but none has appeared on their behalf. Respondent No.5 has refused to accept notice. Only respondent Nos.1 and 6 have appeared to contest the present revision petition. Remaining respondents are only proforma respondents and no relief has been claimed against them in the present revision petition.

5. This fact has not been disputed by the learned counsel for the respondents that respondents No.2 to 6 have filed their admission written statements. Mr.Arun Singla, Advocate, appearing on behalf of respondent No.6 has stated at the bar that respondent No.6 has already filed her affidavit before the learned trial Court that she will not appear in the witness box. Mr.Arun Singla, Advocate, further contended that respondent No.6 is not going to lead any evidence in this case. Learned counsel for the respondents could not dispute the legal position laid down in Harminster Pal and another, Jagdish and Sant Singh's cases (supra).

6. Thus, as respondent Nos.2 to 6 have filed their admission written statements and are supporting the claim of the plaintiff, so, they are required to lead their evidence first.

7. So, the present revision petition is hereby allowed. The trial

Court shall direct respondent Nos.2 to 5 to produce their evidence, if any, first and then ask the petitioner/defendants No.5 and 6 to produce their evidence.

8. Learned counsel for respondent No.1 has submitted that the present suit was filed in the year, 2005. More than eleven years have been passed. The trial Court should be directed to dispose of the case expeditiously.

9. Thus, the trial Court is directed to make every possible endeavour to dispose of the case expeditiously, preferably within a period of one year from the date of receipt of a certified copy of this order.

May 27, 2016
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(DARSHAN SINGH)
JUDGE