

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.1517 of 2016

Date of decision: 27.2.2016

Ramesh Kumar

.....Petitioner(s)

Versus

Harbhajan Singh & ors.

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

*** * ***

Present: Mr. Vikram Singh, Advocate for the petitioner.

Darshan Singh, J.

The present revision petition has been preferred against the order dated 18.2.2016 vide which the evidence of the petitioner-defendant No.3 has been closed by the learned trial Court by order.

Learned counsel for the petitioner contended that on 18.2.2016, the witnesses could not be brought as the new counsel for the petitioner had appeared and he had not fully gone through the case. He contended that on the previous dates, the petitioner had been producing the witnesses. Now only 2 witnesses remains to be examined i.e. the Local Commissioner to prove the demarcation report and the Notary Public who has attested the agreement. He contended that these witnesses will be produced by the petitioner at his own responsibility without taking any assistance from the Court on one date to be fixed by the learned trial Court. He further contended that the valuable rights of the petitioner are involved in the suit and he should not be allowed to suffer due to negligence of the counsel.

I have duly considered the aforesaid contentions.

The averments in the petition shows that the petitioner has examined four witnesses on the earlier dates and on 30.1.2016, he has produced four witnesses. Thereafter, the case was adjourned to 18.2.2016 for the remaining evidence. The last opportunity was granted for that purpose. There is no denial to the fact that earlier the petitioner was represented by some other counsel and on that day, Sh. Ashok Vermani, Advocate had appeared for defendant No.3.

Learned counsel for the petitioner has contended that as the new counsel was engaged on that day, due to that reason evidence could not be produced. He further contended that even the diet money was already deposited to summon the Local Commissioner but nothing has been mentioned in the impugned order as to what happened to his summons. It is not disputed that the valuable rights of the petitioner are involved in the suit and the lis should not be decided on technicalities. Learned counsel for the petitioner has undertaken that the petitioner will produce both the remaining witnesses i.e. the Local Commissioner as well as Notary Public at his own responsibility on one date to be fixed by the trial Court.

So, the present revision petition is hereby allowed. The petitioner is granted one opportunity to produce both the remaining witnesses i.e the Local Commissioner to prove the demarcation report and the Notary Public on the date to be fixed by the learned trial Court subject to Rs.10,000/- as costs.

February 27, 2016*ps***(DARSHAN SINGH)
JUDGE**