

Civil Revision No. 02 of 2016

1

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

**Civil Revision No. 02 of 2016.
Date of Decision : 06.01.2016.**

Bhajan Singh deceased through his LR's

...Petitioners

Versus

Gurdeep Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) *Whether Reporters of the local papers 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?*

Present: Mr. Amit Dhawan, Advocate for the petitioners.

Paramjeet Singh Dhaliwal, J.(Oral)

Instant civil revision has been filed under Article 227 of the Constitution of India for quashing the impugned order dated 18.12.2015 (Annexure P-9) passed by the learned Addl. Civil Judge (Senior Division), Nakodar, whereby oral evidence of the petitioner/defendant has been closed by Court order except for remaining cross examination of DW-4 and summoned the original record of the passport application No. J-000487 dated 07.01.2000 from the office of Regional Passport Office, Jalandhar.

Shorn of unnecessary details, the facts relevant for disposal

of the present petition are to the effect that one Gurdeep Singh-plaintiff filed a suit for possession by way of specific performance of the agreement to sell. After the framing of issues, plaintiff had completed his evidence. Thereafter petitioner-defendant was afforded opportunity to lead evidence and five opportunities were granted to him. The petitioner-defendant has examined 4 DWs and cross-examination of DW4 is yet to be completed. On the request of counsel for the petitioner, cross-examination of DW4 was deferred for want of certain records. However, the claim of the petitioner to lead further evidence was rejected vide order dated 18.12.2015. It is the case of the petitioner that the evidence is necessary for proving the documents on record. It is submitted by the petitioner that he has moved an application (Annexure P-4) and has sought the assistance of the Court for summoning the witness. Learned counsel submits that the diet money etc. has already been deposited but in spite of that the evidence was closed.

Admittedly, the petitioner was granted five opportunities. He has already examined 4 witnesses out of which cross-examination of DW4 is still incomplete. The case has been adjourned for further evidence of the petitioner-defendant. In view of the prayer made, this Court deems it fit that the present petition can be disposed of without issuing notice to the other side in order to avoid delay and expenses. It is accordingly directed that the petitioner will be at liberty to summon the witnesses, namely, Avinash Chander Stamp Vender, Atul Randev, Architects & Engineers and Income Tax Officer, Nakodar, shown in Annexure P-4, which are stated to be mentioned in the application

moved by the petitioner before the learned Additional Civil Judge (Senior Division), Nakodar, at his own risk and responsibility. Petitioner-defendant will be granted two opportunities of not more than 15 days each to produce the witnesses at his own risk and responsibility. This will, however, be subject to costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Jalandhar. If the petitioner requires assistance of the Court, he can move the Court for summoning of the witnesses by dasti process.

Disposed of.

January 06, 2016.
kanchan

(PARAMJEET SINGH DHALIWAL)
JUDGE