

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 2127 of 2016 (O&M)
Date of Decision:- 21.03.2016

Rajender Bagri

...Petitioner

Versus

Ram Pal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. Jaswant Jain, Advocate,
for petitioner.

SHEKHER DHAWAN, J.

Present petition under Article 227 of the Constitution of India for setting aside the impugned order dated 15.03.2016 (Annexure P-1) passed by Addl. Civil Judge (Sr. Division), Sirsa whereby evidence of petitioner-defendant No.1 and 3 has been closed by Court order.

Learned counsel for the petitioner while assailing the impugned order dated 15.03.2016 submitted that the Court below closed the evidence of defendants No.1 and 3 on the ground that defendants failed to conclude the evidence despite availing more than reasonable opportunities. Learned counsel for the petitioner further submitted that the petitioner is to examine concerned *Patwari Halka* to prove *Ak-shijra* and the newly elected *Sarpanch* who is having the custody of the entire records of the *Panchayat*, at his own responsibility.

Notice of the present petition has not been issued to the opposite party so that the proceedings may not be delayed unnecessarily.

Main contention of the petitioner is that though adjournments

were given for defendants evidence but defendants complied with the court order and in fact, witnesses were examined on almost all the five dates fixed by the Court. There was no intention of the petitioner to delay the proceedings of the case and in case the petitioner is not allowed to examine the official record, he is bound to suffer irreparable loss.

In view of the above, order dated 15.03.2016 is set aside and the petitioner is allowed to lead the remaining defendants evidence by way of examination of *Patwari Halka* so as to prove the *Ak-shijra* and the newly elected *Sarpanch* of Gram Panchayat along with record on a single date, to be fixed by the trial Court. The evidence shall be produced by the petitioner at its own responsibility.

In view of the above, present petition is allowed and the impugned order dated 15.03.2016 (Annexure P-1) is set aside subject to payment costs of ₹10,000/-.

March 21, 2016

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(SHEKHER DHAWAN)
JUDGE