

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.4473 of 2016

Date of Decision: 2.8.2016

Balwant Singh

--- Petitioner

versus

Jeewan Lal Puri and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Rajeshwar Singh, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition has been directed against order dated 21.4.2016(Annexure P-1) passed by the Civil Judge (Junior Division), Ludhiana (hereinafter to be referred to as “the trial court”) whereby evidence of the petitioner/plaintiff has been closed by order.

Counsel for the petitioner would contend that he does not dispute the fact that the petitioner has already availed of a large number of opportunities for adducing his evidence but in view of the facts noticed in

the orders dated 1.4.2016 and 7.4.2016, reproduced on pages 16 and 27 of the grounds of revision, order closing evidence of the petitioner should not be allowed to sustain. It is further submitted that in case, the petitioner is provided with one effective opportunity to examine the concerned Registry Clerk from the office of Sub Division (East), Ludhaina alongwith the relevant record, he will conclude his evidence. It is further submitted that after evidence of the petitioner was closed vide the impugned order, no evidence has been adduced by the respondents/defendants till date.

I have heard counsel for the petitioner, perused the paper book and various zimni orders, reproduced in the grounds of revision.

The submissions made by counsel for the petitioner that two witnesses including Registry Clerk from the office of Sub Division (East), Ludhaina were ordered to be summoned vide order dated 1.4.2016 with a direction to issue dasti summons, if requested, and on the adjourned date, an order was made that bailable warrants of Pws be issued for the date fixed i.e. 21.4.2016. The impugned order does not make a reference as to what happened to the bailable warrants, if any issued by the court or there was any default on the part of the petitioner in making compliance of an order passed by the court. In the given facts and circumstances, the petitioner is allowed one effective opportunity to examine only the Registry Clerk from

the office of Sub Division (East), Ludhaina alongwith the relevant record at his own responsibility on the date to be fixed by the court, failing which the petition shall be deemed to be dismissed. The petitioner shall deposit Rs. 10,000/ with the trial court well in advance the date to be fixed for his evidence that shall be released in favour of the respondents/defendants, as per rules.

Before parting with the order, it is clarified that the petition has been disposed of without notice to the respondents in order to avoid inconvenience and incurring expenditure by them. However, if the respondents have any grievance to express, they shall be at liberty to file an appropriate application before this Court.

(Rekha Mittal)
Judge

27.7.2016

PARAMJIT

Whether speaking/reasoned : yes/no

Whether reportable : yes/no