

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

**CR No. 4810 of 2014 (O&M)
Date of decision: 18.02.2016**

Baba Chander Dass

... Petitioner

versus

Om Parkash and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

Mr. Sandeep Verma, Advocate for respondent No.2 to 13.

Mr. S. N. Yadav, Advocate for respondent Nos. 14 to 16.

K.Kannan, J. (ORAL)

The petitioner is aggrieved of the order dated 08.07.2014 passed by the Civil Judge (Junior Division) Narnaul whereby the plaintiff's evidence has been closed in light of the order dated 03.08.2013 passed by the Additional District Judge whereby 3 opportunities each had been granted to the parties to lead evidence.

The suit was for permanent injunction against the respondents in respect of peaceful possession of suit property. The petitioner states that through the plaintiff submitted summon forms and necessary summons and process fee/diet money, no summons was issued by the civil judge. As a result, no witness appeared on the date fixed for evidence and the trial court closed the evidence of the petitioner plaintiff on 08.07.2014. The petitioner claims to have been advised that summons were not being issued as an application for setting aside ex-parte order was pending and that witnesses would not be examined till the adjudication of the said application.

I am of the view that the plaintiff shall be given an opportunity to produce the evidence in the manner it was sought.

The impugned order is set aside and the civil revision petition is allowed subject to the payment of Rs. 15,000/- to the respondents, within a period of two weeks from the date of receipt of the copy of the order.

(K.KANNAN)
JUDGE

18.02.2016
kv