

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.6095 of 2016 (O&M)
Date of decision:14.12.2016

Har Bhagwan Chhabra

....Petitioner

V/S

**Arya Samaj, Shahabad Markanda,
affiliated to Arya Pradeshik Pratinidhi
Sabha, Punjab and others**

.....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Kanwaljit Singh, Sr. Advocate with Mr. Parunjeet Singh,
Advocate for the petitioner.

Mr. Pankaj Gupta, Advocate for respondents No.1 and 2.

Mr. Vishwajeet, Advocate for proforma respondents No.24 to 31.

DARSHAN SINGH, J. (Oral)

CM No.21706-CII of 2016

Application is allowed. Documents are taken on record.

CR No.6095 of 2016

Learned counsel for the petitioner states at Bar that he seeks only one opportunity to examine Sh. Rakesh Kumar Goel, Architect, or anybody else from his office along with the report to prove the construction raised by the petitioner after purchase of the suit property. He categorically states that other witnesses mentioned in the application dated 24.8.2016 are not required to be examined.

Learned counsel for the respondents contends that the petitioner has already availed sufficient opportunities to adduce the evidence. The present application has been moved containing the names of 16 witnesses at the rebuttal stage i.e. after adducing the rebuttal evidence by the plaintiff-respondents. He further contends that the only intention to move the application is to delay the proceedings of the case.

I have duly considered the aforesaid contentions.

As learned counsel for the petitioner has stated that the petitioner only wants to examine one witness i.e. Sh. Rakesh Kumar Goel, Architect or anybody else from his office in order to prove the report regarding construction raised by the petitioner that too at his own responsibility by availing just one opportunity, so, the plea raised by the learned counsel for the respondent that the intention of the petitioner is to delay the proceedings, carries no substance. However, this fact is not disputed that this application has been moved at the belated stage which has certainly resulted into inconvenience to the plaintiff but they can be well compensated with the costs.

Thus, keeping in view my aforesaid discussion, the present revision petition is hereby allowed. Petitioner-defendant No.29 is allowed to examine Sh. Rakesh Kumar Goyal, Architect or anybody else from his office in order to prove the report regarding the construction raised by the petitioner subject to ₹10,000/-

as costs. The said witness shall be produced by the petitioner exclusively at his own responsibility. No process shall be issued by the learned trial Court. For this purpose, the petitioner shall be granted only one effective opportunity on the date to be fixed by the learned trial Court.

December 14, 2016

ps

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.