

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

CR No.7265 of 2016 (O&M)

Date of decision:30.11.2016

Puran Chand

....Petitioner

VERSUS

Hari Chand

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Lalit Kumar, Special Power of Attorney holder
of the petitioner in person.

REKHA MITTAL, J.(Oral)

The present petition lays challenge to orders dated 24.05.2016 and 12.08.2016 passed by the Civil Judge (Junior Division), Sirsa.

The main grievance of the petitioner represented by Sh. Lalit Kumar, Special Power of Attorney, is that in the order dated 24.05.2016, the Court has held that after examination of Patwari, remaining evidence is closed by Court order.

Perusal of the record would reveal that evidence of the petitioner was closed by order of the Court on 23.07.2015. The petitioner challenged the said order by way of Civil Revision No.5300 of 2015 that came to be decided by this Court on 04.03.2016. The operative part of the order reads as follows:-

“Present revision petition under Article 227 of the Constitution of India is challenge to the order dated 23.07.2015 whereby plaintiff's evidence was closed by Court order.

Learned counsel for the petitioner mainly submitted that he wants to examine Halqa Patwari Jagmohan. As per order dated 30.10.2014 passed by Civil Judge (Jr. Division), Sirsa, the said Halqa Patwari was recalled.

Learned counsel for respondent while opposing the contentions raised by learned counsel for the petitioner took the plea that petitioner has already availed 11 opportunities but failed to conclude his evidence and the intention of the petitioner is just to delay the proceedings.

Having considered the matter in its entirety and in the interest of justice, order dated 23.07.2015 is set aside and petitioner is given one opportunity to produce Halka Patwari at his own responsibility before

the Court below on the next date to be fixed by the trial Court subject to payment of cost Rs.5,000/-.

Petition stands disposed of with above terms.”

As the petitioner was given one opportunity to produce Halqa Patwari at his own responsibility while setting aside the order dated 23.07.2015 and the said witness has already been examined by the petitioner, no error much less illegality can be noticed in the observations of the Court that after examination of Patwari, evidence is closed by order. As a matter of fact, there was no need for the trial Court to pass such an order because the earlier order dated 23.07.2015 closing evidence was set aside to the limited extent of allowing the petitioner to examine Halqa Patwari. So far as the application filed by the petitioner for recalling PW2 Dr. Rajeev Dogra, the same is admittedly pending adjudication, to be decided by the trial Court in accordance with law.

With the aforesaid observations, the petition stands disposed of.

NOVEMBER 30, 2016		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No