

**Sr. No. 226
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No. 8542 of 2014
Date of decision 11.01.2016**

Janak Singh

...Petitioner

Vs.

Bhagwant Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

1. Whether Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vivek Suri, Advocate,
for the petitioner.

Mr. Navjot Singh, Advocate,
for the respondents.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant Civil Revision has been filed for setting aside the order dated 30.09.2014, passed by Additional Civil Judge (Senior Division), Sangrur, whereby application for recalling two witnesses has been dismissed.

Brief facts of the case are that the petitioner-plaintiff filed a suit for mandatory injunction against the respondents directing them to vacate the public passage which they had illegally encroached upon. There is alleged encroachment which is sought to be removed. Both the revenue officials i.e. Field Kanungo Balbir Singh and Halqa Patwari Mohinder Singh were the witnesses, who

have carried out the demarcation at the spot on dated 19.05.2006. Although witnesses were examined but inadvertently report dated 19.05.2006 could not be exhibited on record. Thus, inadvertent mistake was on the part of counsel representing the petitioner in trial Court.

Considering the facts on record and after hearing the learned counsel for the parties, this Court is of the considered opinion that once the witnesses have already been examined by the trial Court for the purpose of proving the report but inadvertently it remains to be exhibited, it would be in the interest of justice that the report is allowed to be exhibited on record. Since application for this purpose has been moved, witnesses should have been recalled for the limited purpose of exhibiting the report only.

The petition is allowed only to the extent that the witnesses shall be recalled only for exhibiting the report and other revenue documents i.e. Naksha Tavafat etc. subject to costs of Rs.1000/- to be deposited with the State Legal Services Authority, Punjab. However, petitioner will not be entitled to lead any other evidence.

With the observations made and directions issued, the present petition stands disposed of.

11.01.2016*vandana***(PARAMJEET SINGH DHALIWAL)
JUDGE**