

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

CR No.1607 of 2017 (O&M)

Date of decision: March 06, 2017

Patel Singh

....Petitioner

Versus

Bikkar Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Balkaran S. Aulakh, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

Through the instant civil revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside the impugned order dated 13th February, 2017 passed by Additional Civil Judge (Senior Division), Sri Muktsar Sahib whereby an application under Order 18, Rule 17 has been allowed.

At the very outset, it would be pertinent to mention that the evidence of the respondents/plaintiffs was closed by the orders of the trial Court vide order dated 13th July, 2016 but the said order was not challenged before this Court by way of filing revision by them (respondents). Subsequently, an application under Order XVIII, Rule 17 seeking additional evidence by way of recalling the witness was moved, which has been allowed vide impugned order dated 13th February, 2017. The impugned order can be said to be illegal and invalid especially in view of the circumstances that an application under Order XVIII, Rule 17 was not legally maintainable as an efficacious remedy was available to the respondents/plaintiffs by way of revision of order dated 13.07.2016. On the sole ground, impugned order is not sustainable in the eyes of law. As such,

order dated 13th February, 2017 is *set aside*.

Since this order is being passed in the absence of the respondents/plaintiffs, if they feel aggrieved, they shall be at liberty to approach this Court.

March 06, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No