

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

CR No.3962 of 2017

Date of decision: May 31, 2017

Het Ram

....Petitioner

Versus

Subhash and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. C.M. Munjal, Advocate
 for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant petition preferred under Article 227 of the Constitution of India, petitioner has sought quashment/setting aside of the order dated 15th May, 2017 passed by Civil Judge (Senior Division), Sirsa whereby evidence of the petitioner/plaintiff has been closed by the orders of the Court.

The contention of learned counsel for the petitioner is that although the petitioner/plaintiff was little-bit negligent in producing the evidence but twice the matter was adjourned at the request of the defendants despite the fact that the evidence of the petitioner was present. However, it was closed by the orders of the Court vide impugned order dated 15th May, 2017. Learned counsel further contends that he seeks only one opportunity to lead evidence as the petitioner is to only examine the Registration Clerk along with the record of the Will dated 8th June, 2000 executed by Smt. Badami in favour of petitioner/plaintiff No.1 as well as an Official of the Office of Executive Magistrate, Sirsa, to prove the attestation of an affidavit of one Tulsi Ram, Member Panchayat dated 10th July, 2014 since Tulsi Ram, Member Panchayat has already been taken

away by the nature. Will dated 8th June, 2000 as well as the affidavit of Tulsi Ram dated 10th July, 2014 will certainly throw material light upon the matter in controversy and would be helpful in getting the matter adjudicated between the parties in effective and judicious manner. No doubt, sufficient opportunity has already been afforded to petitioner/plaintiff No.1. Yet, this Court is of the considered view that the ends of justice would meet in case petitioner/plaintiff No.1 is permitted to adduce the evidence referred to above.

Thus, without expressing any opinion with regard to legality of the impugned order dated 15th May, 2017, instant petition is disposed of with direction to the trial Court to afford ample opportunity to petitioner/plaintiff No.1 to examine the officials of the Office of Sub Registrar, Sirsa along with the record pertaining to the Will dated 8th June, 2000 executed by Smt. Badami in favour of petitioner/plaintiff No.1 as well as Executive Magistrate, Sirsa to prove the execution of Will and attestation of the affidavit of Tulsi Ram who is no more in this world and then to proceed with the disposal of the suit in accordance with law. The service upon the official witness(es) shall be got effected by petitioner/plaintiff No.1 by obtaining *dasti* process that too, after deposit of the necessary charges with the trial Court.

Since this order has been passed in the absence of respondents, if they feel so aggrieved, they shall be at liberty to approach this Court

May 31, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No