

119.

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

Civil Revision No.137 of 2018

Date of decision:11.01.2018

AMAN WADHWA

... Petitioner

versus

PRINCE

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Neeraj Madaan, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in the present revision petition filed under Article 227 of the Constitution of India is to set aside the order dated 29.11.2017 passed by learned Civil Judge (Junior Division), Jalalabad (W), whereby the evidence of the petitioner-plaintiff has been closed by order.

Learned counsel for the petitioner has argued that the case was fixed on 29.11.2017 and the petitioner-plaintiff was required to examine Jagdish Chander and Subhash Chand as plaintiff's witnesses. So far as Jagdish Chander is concerned, he could not be examined as a complaint filed by him titled as 'Jagdish Chander Versus Sushma Devi and others' was listed before the court of Sub Divisional Judicial Magistrate, Jalalabad (W) on the same date i.e. 29.11.2017 and, therefore, his presence could not be procured for plaintiff's evidence. However, Subhash Chand could not be examined on the said date. He prays that there is no mala fide on the part of the plaintiff to delay the proceedings in any manner. Moreover, the suit has been filed by the plaintiff for possession by way of specific performance of

other co-owners agreed to sell their shop as detailed in the plaint. He prays one more effective opportunity to conclude his evidence.

I have heard learned counsel for the petitioner.

No doubt sufficient opportunities were granted to the plaintiff to conclude his evidence, but considering the fact that as on 29.11.2017, one of the witnesses, namely Jagdish Chander was attending the court of Sub Divisional Judicial Magistrate, Jalalabad (W) in his private complaint, it may be one of the grounds for his non-examination on that date.

Taking into consideration the totality of the facts and circumstances of the case and the fact that the present petition has been filed by the plaintiff, it is but presumed that he would not like to delay his own suit and, therefore, one more effective opportunity is granted to the petitioner to conclude his evidence, but that would be subject to payment of costs of ₹10,000/- to be paid in the High Court Lawyers' Welfare Fund. The petitioner shall conclude his evidence on the date so fixed by the trial Court.

Accordingly, present petition stands disposed off.

(HARI PAL VERMA)
JUDGE

11.01.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.