

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CR-1696-2017

Date of Decision:12.01.2018

Ram Datt

.....Petitioner

Versus

Shila Devi

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vikram Preet Arora, Advocate,
for the petitioner.

Mr. Balram Prashar, Advocate,
for the respondent.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 28.02.2017 passed by learned Civil Judge, Junior Division, Amloh.

Vide aforesaid order, learned Civil Judge, Junior Division, Amloh, has closed the evidence of the defendant on the ground that the defendant has failed to conclude his evidence despite last and final opportunity having been granted to him.

Learned counsel for the petitioner has argued that on 09.03.2017, when this revision petition came up for hearing, he had submitted that he wanted to examine DW Darshan Singh Sidhu, Tehsildar-cum-Sub Registrar, who has since retired. He had deposited the diet money

and process fee etc. to serve the said witness but he had not appeared despite issuance of non-bailable warrants and it is in this eventuality, the trial court has closed the evidence.

Learned counsel for the petitioner further states that, at this stage, he does not insist the examination of DW-Darshan Singh Sidhu as defendant's witness, but would be satisfied, in case, Jaswant Singh son of Bachan Singh, who is otherwise in the list of witnesses submitted by the petitioner-defendant is allowed to be examined and one effective opportunity be granted to him to examine the said witness, namely, Jaswant Singh.

Learned counsel for the respondent has submitted that the said witness, namely, Jaswant Singh is not mentioned in the list of witnesses submitted by the petitioner and therefore, the said witness cannot be examined.

I have heard learned counsel for the parties.

Considering the limited prayer made by learned counsel for the petitioner that he wants to examine Jaswant Singh son of Bachan Singh as defendant's witness, whose name is mentioned in the list of witnesses submitted by the petitioner-defendant, one effective opportunity is granted to him.

Accordingly, the present revision petition is accepted and the impugned order dated 28.02.2017 is hereby set aside. One effective opportunity is granted to the petitioner to examine Jaswant Singh in his evidence. However, this would be subject to the payment of ₹5,000/- as costs to be paid by the petitioner-defendant to the respondent-plaintiff.

However, it is made clear that in case the name of Jaswant Singh is not found mentioned in the list of witnesses, he shall not be examined.

January 12, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No