

113.

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

CIVIL REVISION-2238-2018

Date of decision:05.04.2018.

MOHINDER KARORIWAL

... Petitioner

Versus

BACHNA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikas Kumar, Advocate, for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner-plaintiff has filed the present revision petition under Article 227 of the Constitution of India impugning the order dated 22.02.2018 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Panchkula whereby an application filed by the respondent-defendants for disallowing the petitioner-plaintiff from examining the Registry Clerk working in the office of Deputy Commissioner, Panchkula along with record of sale deed No.1496/1 dated 17.11.1983, has been allowed.

Briefly stated, petitioner-plaintiff has filed a suit for possession by way of ejectment of the respondents from the suit property measuring 220 square yards situated in Village Haripur, Tehsil and District Panchkula, with the dimensions as shown in the plaint. While the case was fixed before the trial Court on 25.04.2016 for examination of PW-Dimple working in the office of Sub-Registrar, Panchkula, an application was moved by the respondent-defendants not to permit and examine this witness for the third time and rather to close the evidence of the plaintiff. It is the said application which was allowed by learned Additional Civil Judge (Senior

Division), Panchkula vide order dated 22.02.2018 and the same is the subject matter of challenge before this Court.

Learned counsel for the petitioner has argued that PW-Dimple, who was working with the office of Sub-Registrar, Panchkula, was necessary to be examined so as to establish the number of the sale deed mentioned in the site plan appended with the sale deed.

I have heard learned counsel for the petitioner.

Learned Civil Court has allowed the application filed by the defendants on the premise that the Registry Clerk working with the office of Sub-Registrar, Panchkula has already appeared before the trial Court and was examined as PW1 on 24.09.2014. Thereafter, the Registry Clerk was examined as PW3 on 09.03.2016. Once the Registry Clerk has already been examined at two different occasions, the plaintiff is deemed to have availed sufficient opportunity to get the witness examined in the case. But once again an attempt has been made to examine such witness, so as to prove the number of sale deed mentioned in the site plan. This Court has the occasion to have a glance of the photocopy of sale deed as well as the site plan, so produced in court and finds that the same has been numbered as “1426 dated 7-11-1983”, though with some over writings, but it is legible as 1426.

Therefore, this Court does not find any illegality in the impugned order, more particularly when the registration number can easily be read as “1426”.

Disposed of.

(HARI PAL VERMA)
JUDGE

05.04.2018

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No