

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

Civil Revision No.2423 of 2018 (O&M)

Date of Decision: 13.07.2018

Ramotar

...Petitioner

Vs.

Mahender Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Raman Chawla, Advocate, for the petitioner.
Mr. Sunny Bhardwaj, Advocate, for respondent no.1.

Amol Rattan Singh, J (Oral)

Civil Misc. no.13720-CII of 2018

Pursuant to the order dated 17.04.2018 passed by this Court, directing the learned counsel for the petitioner to place on record the copies of the interim orders passed by the learned Additional Civil Judge (Sr. Divn.) Loharu, prior to the order that has been impugned in the accompanying petition, i.e. the order dated 20.03.2018, by which the evidence was ordered to be closed, this application has been filed seeking to place on record the orders passed between 14.12.2016 to 20.03.2018.

This application having been filed pursuant to the order of this Court dated 17.04.2018, it is allowed subject to all just exceptions and the copies of the aforesaid orders are taken on record.

Civil Revision no.2423 of 2018

A perusal of the said orders shows that the matter stood adjourned before the learned Addl. Civil Judge right since 14.12.2016 for

defence evidence, with counsel appearing for the defendants seeking opportunity after opportunity to do so, “after 6 last opportunities already having been availed by them, a last opportunity was granted on 01.03.2018 to the defendants”. Learned counsel for the petitioner submits that in fact the Patwari who was sought to be examined was not the competent Patwari as it was later discovered, on the date that the Patwari appeared to be examined, i.e. the date of the impugned order (20.03.2018), which fact was discovered only as per the statement of the said official, which reads as follows:-

“Statement Satyapal, Patwari Record Room, Bhiwani stated that the relevant record be summoned from the record HRC Room 78 Deputy Commissioner Office, Bhiwani.”

Having recorded the aforesaid statement, the impugned order was passed, stating that despite 6 last opportunities, the defendants had failed to conclude their evidence and consequently there was no ground to adjourn the case any further with their evidence closed by order of that date, i.e. 20.03.2018.

Learned counsel for the petitioner submits that the petitioner gives up all other defence witnesses other than petitioner himself (defendant no.1) and the official to be examined from the office of the Deputy Commissioner, Bhiwani.

Notice of motion.

As Mr. Sunny Bhardwaj, Advocate, present in Court, accepts notice on behalf of respondent no.1.

Keeping in view the statement made by the learned counsel for the petitioner, that only two witnesses would be examined and all other witnesses given up by the defendants, this petition is allowed with a direction that one opportunity to examine both the witnesses (referred to herein above) be given to the petitioner-defendant no.1, by the learned Addl. Civil Judge, subject to payment of costs of Rs.15000/- to be paid to the respondent-plaintiff by way of a demand draft.

On insistence of learned counsel for respondent no.1, it is made clear that only one single opportunity would be granted to defendant no.1 to do so, as aforesaid.

13.07.2018
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes