

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

**Civil Revision No.4091 of 2018**

**Date of Decision: 05.07.2018**

ND Vats

...Petitioner

Vs.

HUDA and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Akshay Sandhir, Advocate for  
Mr. Ashwani Gaur, Advocate, for the petitioner.  
Mr. Ajay Jain, Advocate, for respondent no.3.

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**Amol Rattan Singh, J (Oral)**

Though vide the order of this Court dated 02.07.2018, learned counsel for the petitioner had been directed to file an affidavit of the petitioner as to whether the petitioner (who is stated to be an Advocate) had appeared before any other Court on the date that a plea was taken before the learned Civil Judge (Sr. Divn.), Hisar, that he was unwell, learned counsel for the petitioner submits that an application for placing on record the affidavit has been filed, it has not been listed; however, Mr. Ajay Jain, Advocate, even before notice has been issued, appears for respondent no.3 and submits that in view of the fact that the said respondent is more keen to raise his construction on the suit land, he does not wish to delay proceedings and he has no objection even if the impugned order of the learned Civil Judge, dated 30.05.2018 is modified, and the petitioner herein is granted one opportunity to file a reply to the application filed by respondent no.3 herein for vacation of the stay order passed by that Court, provided that the said reply is filed before the next date of hearing before the Civil Judge, i.e.

11.07.2018, with an advance copy to the counsel for respondent no.3 (defendant no.3 before the Civil Judge).

He further submits that the Civil Judge may be directed to decide the said application, as also application filed by the petitioner before that Court for appointment of a 2<sup>nd</sup> Local Commissioner, on that date itself, i.e. July 11, 2018.

Considering the prayer made to be very fair, it has been put to the learned counsel for the petitioner who even opposes the aforesaid 'offer'.

Having considered the matter, it is seen that vide the impugned order the right to file a reply to the application filed by respondent no.3 has been closed, in view of the fact that such reply had not been filed despite many opportunities having been given to the petitioner; however, now with respondent 3 submitting that he does not oppose one opportunity to file a reply, this petition is disposed of with a direction to the learned Civil Judge (Sr. Divn.), Hisar, that if the petitioner-plaintiff files a reply to the application moved by respondent no.3 for vacation of stay before that Court before 11.07.2018, with an advance copy given to the learned counsel for respondent no.3, the said reply would be taken on record by that Court and considered before deciding the application.

It is further directed that both the applications, i.e. the one filed by defendant no.3 seeking vacation of the stay order and the one filed by the plaintiff seeking appointment of a Local Commissioner, would be both decided within 15 days thereafter by the learned Civil Court.

In view of the short time prescribed, a copy of this order be given to the learned counsel for the parties under signatures of the Bench Secretary.

**05.07.2018**  
vcgarg

**(Amol Rattan Singh)**  
**Judge**

**Whether speaking/reasoned : Yes**  
**Whether reportable : Yes**