

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

Sr. No.201

C.R. No.5869 of 2015 (O&M)
Date of decision: 20.11.2018

Punjab Wakf Board

....Petitioner

versus

The Commandant and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Abhinav Gupta, Advocate
for respondents No.1 and 3.

Mr. Vivek Singla, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 26.05.2015 passed by the Civil Judge (Junior Division), Jalandhar, through which the petitioner's evidence has been closed for having not concluded the same after grant of sufficient opportunities.

Learned counsel for the petitioner submits that the petitioner-Punjab Wakf Board (for short – the Board) is a statutory authority indulging in welfare activities; through a suit the Board had sought injunction to restrain the respondents/defendants from interfering in the construction of a Masjid or demolition of its boundary wall over the area measuring 10 marlas detailed and described in the head note of the plaint; on 06.05.2015 all the PWs were present for their examination and on 23.03.2015 one PW was examined. However, on the day when the impugned order was passed, due to some miscommunication between the Board and its counsel, the

PWs could not be produced before the Court. He prays that subject to payment of costs to be assessed by this Court one effective opportunity be granted to the petitioner to produce its entire evidence as without the same its suit would virtually get dismissed by default.

Learned counsel for the respondents submit that subject to payment of costs, one and only one opportunity be granted to the petitioner to lead its entire evidence.

In view of the above and for the reason that the petitioner's suit may not get dismissed in default for non-production of its evidence as also for the reason that the petitioner only seeks one opportunity to get its suit decided on merits, subject to payment of ₹25,000/- as costs, to be deposited with the National Defence Fund, Account No.11084239799, State Bank of India, Institutional Division, 4th Floor, Parliament Street, New Delhi, the impugned order is set aside and at its own risk and responsibility and the petitioner is granted one and only one opportunity to produce its entire evidence before the Trial Court. The needful be done within three weeks from today.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

November 20, 2018

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No