

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 7176 of 2018 (O&M)
Date of decision: 22.10.2018

SAVITRI

.....petitioner

Versus

RISHI RAJ AND ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sachin Mittal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(oral)

Learned counsel for the petitioner submits that the first order was passed by the Civil Judge (Jr.Divn.), Bhiwani on 6.10.2018 to the following effect:-

“Present: Sh.Anil Sharma, counsel for plaintiff.

Sh.B.B.Jain, counsel for defendant No.1.

Sh.Raj Kumar, counsel for defendant No.2.

Defendant No.3 to 9 ex parte.

Today the case was fixed for evidence of defendants. At this stage, an application for leading the secondary evidence by producing the certified copy of documents has been moved.

Keeping in view the contends mentioned in the application, the same is hereby allowed.

Now the case stands adjourned to

06.10.2018 for evidence of defendants at own responsibility.

Date of Order: 6.10.2018
Prity, Stenographer-III
Next Date: 06.10.2018
Purpose: _____”

(Amit Sheoran)
CJ (JD), Bhiwani
(UID No.HR-0430)

A perusal of the aforesaid order would show that the case was adjourned to 6.10.2018 i.e. the date on which the aforesaid order was passed. Petitioner applied for certified copy of the aforesaid order on 9.10.2018 and the copy was made available on 11.10.2018, wherein, different order dated 6.10.2018 was recorded. No notice of the application under Section 65 of the Indian Evidence Act was ever issued.

Learned counsel further submits that the plaintiff never made any concession for not filing reply to the application and the arguments were not heard by the Court on behalf of the plaintiff-petitioner.

In view of aforesaid, it would have been appropriate for the petitioner to approach the same Court, highlighting the incriminating facts available on record. Since the order was passed on 6.10.2018, the petitioner is relegated to approach the same Court by way of moving an appropriate application for recall of order in accordance with law. In case such an application is moved, the trial Court shall decide the same in

accordance with law without being influenced by any statement of fact made herein above .

Petition stands disposed of accordingly.

October 22, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No