

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 7498 of 2018 (O&M)

Date of Decision: 06.12.2018

Gurmeet Singh

.....Petitioner

Versus

Smt. Kavita Sood and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Pandher, Advocate
for the petitioner.

Mr. Anshul Sharma, Advocate for
Mr. Vikas Mohan Gupta, Advocate
for respondents.

AVNEESH JHINGAN, J.(oral)

The present civil revision petition has been filed being aggrieved of the order dated 24.8.2018 passed by Civil Judge (Jr. Division), Khanna (hereinafter referred to as 'the trial Court') closing the evidence of petitioner/plaintiff (for brevity 'the petitioner').

The facts in brief are that the petitioner filed a suit for declaration to the effect that the petitioner is the owner of land measuring 23K-2M comprised in Khewat No.1016 Khatauni No.1441, Rect. No.90, Killa Nos. 3/1/2, 7/2, 8/2, 9/1, 10/4/5, as per Jamabandi for the year 2007-08 situated at village Rahaun, H.B. No.224, Tehsil Khanna, District Ludhiana.

Written statement was filed and on completion of pleadings, the case was

petitioner's evidence was not concluded, the Trial Court had no other option but to close the evidence of the petitioner vide order dated 24.8.2018.

Aggrieved of the said order, the present civil revision has been filed.

Learned counsel for the petitioner argued that only two more witnesses are to be examined and out of these two, one is Handwriting and Finger Prints Expert-Dr. Inderjit Singh. He states that summon was served upon him but he was appearing in another Court at Khanna in some other case, hence, he was not able to appear in time in the suit of the petitioner.

Learned counsel for the respondents rebutted the contention raised by learned counsel for the petitioner. He argues that numerous opportunities have been availed by the petitioner to adduce his evidence, but he is intentionally delaying the suit proceedings just to harass the respondents.

Keeping in view of the fact that the summon was duly served on the Handwriting and Finger Prints Expert but his presence was required in another Court at Khanna and also in this suit itself as a result he was not available for evidence in time. It would not be in the interest of justice if an effective opportunity to the petitioner is not provided to conclude his evidence.

At this stage, learned counsel for the petitioner states that only two more witnesses are to be examined and if two effective opportunities are provided, the petitioner would conclude the evidence.

The petition is allowed. The order dated 24.8.2018 closing the evidence of the petitioner is set aside. The Trial Court shall provide two opportunities to the petitioner to conclude his evidence. However, it shall be

the responsibility of the petitioner to ensure the service and presence of the witnesses on next two dates.

The petition is allowed, subject to payments of ₹25,000/- as costs to the respondents.

06.12.2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No