

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7617 OF 2018(O&M)

Date of decision: 12.11.2018

Sandeep Kumar

... Petitioner

vs

Harpreet Singh and ors.

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Sandeep Sharma, Advocate
for the petitioner.

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Harinder Singh Sidhu, J.

This revision petition has been filed impugning the order dated 20.08.2018 of learned Civil Judge (Junior Division), Payal, whereby the evidence of the plaintiff-petitioner has been closed.

Learned counsel for the plaintiff-petitioner states that the plaintiff has filed two suits against defendants-respondents namely (i) Civil Suit No. 1269 of 2014 seeking permanent injunction restraining defendants No.1 and 2 from interfering or causing to interfere, dispossessing or causing to dispossess him from the land measuring 9B-2B comprised in khewat No. 463/418/521/522/523, khasra Nos. 2743/4 (1B-9B), 2750 (6B-5B) total 7B-14B, Khewat No. 461/515, khasra Nos. 2749 (5B-17B) out of 5B-17B, 28/117th share situated at village Rauni, Tehsil Payal, District Ludhiana and for mandatory injunction directing respondent No.3 to issue khasra girdawari and other concerned revenue record regarding the above mentioned land and (ii) civil suit No.1150 of 2014 for permanent injunction restraining the defendants themselves or with the help of their servants or associates from interfering or cause to interfere, creating obstruction in the peaceful use of pahi/way as marked as A2 to A7 shown as red in the site plan and not to demolish/plough the same as marked as A3 to A7 in any manner.

Both the suits are being tried by learned learned Civil Judge (Junior Division) Payal. The cases were listed on 20.08.2018 for the plaintiff's evidence. On that day, in the morning at 10.00 AM a request was made to learned trial Court to keep the matter pending after lunch as the summoned witness for the plaintiff i.e. Patwari of village Rauni, Tehsil Payal, District Ludhiana was held up with some official work and he would be present after lunch for his evidence. The Patwari appeared before the trial Court after lunch at 3.00 PM and he was examined and cross-examined in the other civil suit no. 1150 of 2014. However, the examination and cross-examination of the said witness took considerable time. By then it was already 4.30 PM, the Court time was over and the impugned order was passed.

He contends that it was only because of the aforesaid circumstance, the plaintiff-petitioner could not examine the said witness i.e. Patwari in civil suit No. 1269 of 2014. He prays for one effective opportunity to examine him.

Considering the facts and circumstances of the case, this petition is allowed. The impugned order dated 20.08.2018 to the extent of closing the evidence of the plaintiff is set aside. The trial Court may grant one effective opportunity to the petitioner to examine Patwari of village Rauni, Tehsil Payal, District Ludhiana.

This revision petition has been disposed of without notice to the respondents to avoid unnecessary delay and expenses. However, if the

respondents have any grievance, they are at liberty to approach this Court
for re-calling this order.

12.11.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned	Yes
Whether Reportable:	Yes/No