

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

Civil Revision No.8488 of 2017 (O&M)
Decided on:-January 23, 2018.

Puran Chand and another

.....Petitioners.

Versus

Lekh Raj and others

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Lalit Kumar, special power of attorney of
the petitioner in person.

HARI PAL VERMA, J. (ORAL)

CM-645-CII-2018

The special power of attorney of the petitioner along with list of evidence (Annexure P-9) is taken on record subject to all just exceptions.

CM stands disposed of.

CR No.8488 of 2017

The petitioner has filed present civil revision petition under Article 227 of the Constitution of India impugning the order dated 09.11.2017 passed by learned Civil Judge (Junior Division), Sirsa, whereby the evidence of the petitioner-plaintiff has been closed by the court order and the case has been fixed for evidence of the defendants.

Shri Lalit Kumar, who is appearing in person, states that he is holding a special power of attorney executed by petitioner No.2 Parvati, who is guardian of petitioner No.1 Puran Chand and has filed the suit for

cancellation of the adoption deed dated 03.08.2004 registered with the Sub-Registrar, Sirsa regarding adoption of respondent-defendant No.3 Pardeep Kumar.

He further states that he has furnished a list of witnesses to be summoned as witnesses of the plaintiff and necessary diet money has been deposited. The petitioner will complete his evidence if one effective opportunity is granted to him. He shall examine the left out witnesses on that day/days.

Having heard the petitioner in person and perusing the various *zimini* orders, this Court finds that though the petitioner was afforded opportunity to lead evidence on 30.08.2017, but on that day, no witness of the petitioner-plaintiff was present. Thereafter, on 11.09.2017, the affidavit of plaintiff Parvati was placed on the file. On 26.09.2017, plaintiff Parvati was examined, but since no other PW was present, the case was adjourned to 06.10.2017 for remaining evidence of the plaintiff. Accordingly, on 06.10.2017, PW Hawa Singh, election Kanungo was examined and the civil Court had granted last opportunity to the plaintiff for leading remaining evidence. On the next date of hearing i.e. 27.10.2017, PW Om Parkash was examined, whereas PW Jagbir Singh, who is Superintendent in Food and Supply Department had appeared and made a statement that the complete information with regard to the summoned record is not supplied to him. Therefore, the Court had directed the petitioner-plaintiff to make available the complete and detailed record which he intends to produce in support of his case. The case was adjourned to 09.11.2017 for remaining evidence of the plaintiff.

Record further reveals that on 09.11.2017, PW Jagbir Singh was examined. No other witness on behalf of the petitioner-plaintiff was present and an adjournment was requested. However, the civil Court ordered that the plaintiff has availed effective opportunities, but has not completed his evidence and, therefore, evidence of the plaintiff was closed by court order.

In view of the aforesaid various *zimini* orders so recoded by the civil Court, this Court finds that though the petitioner has been afforded sufficient opportunities, but still in the interest of justice, one more effective opportunity is granted to the petitioner-plaintiff to lead/complete his evidence before the civil Court. However, that would be subject to payment of cost of Rs.5,000/-.

Ordered accordingly.

It is, however, made clear that under the garb of this order, the petitioner shall not prolong the case and this petition is disposed of without issuing any notice to the opposite side to avoid further delay of proceedings.

January 23, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No