

In the High Court of Punjab and Haryana at Chandigarh

247

CR No.4665 of 2018

Date of decision: 18.7.2019

SAJJAN SINGH

.....petitioner

Versus

TARA SINGH

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sardavinder Goyal, Advocate,
for the petitioner.

Mr.T.S.Sullar, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(oral)

Petitioner has preferred this revision petition against the order dated 12.7.2018 passed by the Additional Civil Judge (Sr.Divn.), Jagraon District Ludhiana, vide which evidence of the petitioner/ defendant was closed by order of the Court.

Perusal of record would show that the evidence of the plaintiff was closed on 30.4.2018. Thereafter, the case was adjourned for defendant's evidence for 16.5.2018. On the adjourned date itself, defendant was directed to produce his entire evidence at his own responsibility and the case was adjourned for 21.5.2018. On 21.5.2018, last opportunity was granted to the defendant for leading his entire evidence at his

own responsibility on 31.5.2018. The affidavits of DW-1 to DW-3, namely, Sarabjit Singh, Darshan Singh and one more Darshan Singh were tendered in their examination-in-chief on 31.5.2018, but their cross-examination was deferred at the instance of the plaintiff. The witnesses/ DWs were bound down for 12.7.2018 for cross-examination.

Learned counsel for the petitioner contended that summoning of record clerk, deed writer and Nambardar on behalf of the defendant remained unfruitful as these witnesses were not summoned through process of the Court, rather they were allowed to be produced at the responsibility of the defendant. To the extent of producing deed writer and Nambardar at the responsibility of the defendant, learned counsel for the petitioner states that the deed writer has already been examined and for the examination of Nambardar Baljinder Singh, process of the Court is not required as the defendant/ petitioner can produce him at his own responsibility. So far as official witness i.e. record clerk is concerned, the trial Court be directed to issue process for summoning of the aforesaid witness on a date to be fixed by the trial Court.

In view of aforesaid facts, I am of the view that the opportunities earlier granted were not sufficient for the

defendant to conclude his entire evidence.

In these circumstances, I deem it appropriate to grant one effective opportunity to the petitioner to examine Baljinder Singh Nambardar and record clerk through process of the Court in accordance with law. In case of any legal impediment in summoning the record clerk, trial Court would be at liberty to pass further appropriate order in accordance with law.

Petition stands disposed of accordingly.

July 18, 2019
anita

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No