

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 549 of 2019
Date of decision:25.2.2019

Attar Singh

.. Petitioner

v.

Khilla Ram and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajnish K. Gupta, Advocate for the petitioner.
Mr. S. S. Ghanghas, Advocate for the respondents.

...

AVNEESH JHINGAN, J. (Oral)

The present civil revision petition has been filed being aggrieved of the order dated 5.10.2018 passed by Civil Judge (Junior Division), Karnal (hereinafter described as 'Civil Court') closing the evidence of the petitioner-plaintiff (hereinafter described as 'the petitioner').

The facts in brief are that the petitioner filed a suit for declaration with consequential relief of permanent injunction. The suit was filed in the year 2017. On completion of pleadings, the matter was fixed for petitioner's evidence. In spite of availing opportunities, the petitioner failed to conclude the evidence. The Civil Court vide impugned order closed the evidence of the petitioner, hence the present revision petition.

Learned counsel for the petitioner contends that the petitioner is 71 years old man. The only witnesses left are official witnesses, who could not be examined till 5.10.2018. He undertakes that the petitioner shall

complete the evidence if one more opportunity is provided.

Learned counsel for the respondents-defendants opposed the contention and contends that the matter is being delayed intentionally by the petitioner.

Without going into the merits of the case and after considering the facts and circumstances of the case, the order dated 5.10.2018 is set aside subject to costs of ₹10,000/- to be paid to the respondents by the petitioner. The petitioner is afforded one opportunity to complete his evidence. It is made clear that whatever witnesses the petitioner wants to produce that would be at his own responsibility and shall ensure their presence and get the statements recorded on the next date fixed.

The revision petition is allowed in aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

25.2.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No