

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Civil Revision No. 14321 of 2018

Date of decision: 01.01.2019

**Hari Ram alias Hari Singh (since deceased)
through his LRs**

...Petitioner

Versus

SDO-cum-Assistant Collector, Ist Grade, Hisar and Ors.

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Dhanora, Advocate
for the petitioner.

Mr. Anuj Balian, Advocate
for respondent Nos. 3 and 4.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 16.11.2018 (Annexure P-7), passed by the Sub Divisional Officer-cum-Assistant Collector, Ist Grade, Hisar, in case No. 28-O Right/SDM dated 15.11.2000 titled as ***Des Raj and others vs. Liloo Ram and others***.

Learned counsel for the petitioner submits that the evidence of the petitioner was closed on the premise that sufficient opportunity was granted to the petitioner from 30.03.2018 to 05.11.2018, however, petitioner could not complete his evidence despite having been granted sufficient opportunities, therefore, his evidence was closed by Court order.

Learned counsel for the petitioner submits that the petitioner

has already filed an application for summoning a handwriting and finger print expert namely Mr. Shamsheer Singh Malik, Advocate and only this witness remains to be examined.

Learned counsel for the petitioner further submits that on the two previous dates, the said witness was busy in some other court at a different places and has relied upon the order dated 16.11.2018, passed by the Additional Sessions Judge, Fatehabad, wherein the said witness was present in the said Court on the same date when the impugned order was passed.

In reply, learned counsel for respondent Nos. 3 and 4 has opposed the prayer of the petitioner on the ground that petitioners are adopting the delay tactics on account of the fact that they are in possession of the property and are not concluding the evidence.

After hearing learned counsel for the parties, I deem it appropriate to grant one effective opportunity to petitioner to produce the aforesaid witness on his own expenses, subject to payment of cost of Rs. 10,000/-, to be paid to respondent Nos. 3 and 4.

Ordered accordingly.

Since the aforesaid witness is a handwriting expert and may have to appear in different courts, the trial Court will grant one effective opportunity, i.e. the date when the presence of the said witness is procured by the trial Court, to record his statement.

The parties are directed to appear before the trial Court on 03.01.2019 and the trial Court will fix the date for recording the statement of the aforesaid witness.

It is made clear that payment of cost shall be a pre-condition before recording the statement of the aforesaid witness.

Disposed of.

January 01, 2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*