

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 222 OF 2020

Date of Decision: 15.01.2020

Balbir Singh and others

.....Petitioners

Vs.

Late Piara Singh (deceased) through his LRs and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Dinesh Nagar, Advocate,
for the petitioners.

Mr. Surender Dhull, Advocate,
for the respondents-caveators.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners challenges the order passed by the learned Civil Judge (Junior Division), Kharar, on 26.11.2019, by which the application of the petitioners seeking that “the case may be fixed for leading evidence by the defendants no. 2 to 6 for proving the additional issues no. 4 to 10 framed on 22.10.2018, as per procedure and in the interest of justice”, has been dismissed.

The reasoning given by the trial court in the impugned order, is that this court had made it clear in the petition earlier filed by defendant no. 1 in the suit before this court (CR No. 1380 of 2019), that if any application was now moved by defendants no. 2 to 6, i.e. the present petitioners, seeking to lead evidence, it would be treated to be one in hindsight and shall be rejected.

This court had agreed at that stage with the contention raised by learned counsel for the caveator (plaintiff in the suit), that any such application

would actually be in connivance with defendant no. 1 (petitioner in CR No. 1380 of 2019), given the history of litigation as has been referred to in that order passed by this court on 28.02.2019 (copy Annexure P-5).

Therefore, this court already having expressed its opinion, giving a specific direction in that regard, in my opinion, in fact this petition is not maintainable, no application in any case having been filed seeking a review of that order.

Dismissed.

January 15, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.