

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No. 1965 of 2021 (O&M)

Date of decision : 17.9.2021

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Naresh Kumar @ Mahesh Kumar and others

.....Petitioners

vs.

Sadhu Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Kashish Garg, Advocate
for the petitioners.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

The revisionists are feeling aggrieved by the impugned order dated 8.9.2021, passed by Civil Judge (Junior Division), Bathinda, wherein para No. 8, she by misinterpreting the order passed by this Court has observed that the High Court has given trial Court discretion to change onus of issues No. 11 and 12 and upon perusal of pleadings of parties, she was of the view that onus had been properly placed and did not require any change.

The Judicial Officer does not seem to have properly read and interpreted the order passed by this Court. While disposing of CR No. 1620 of 2021, vide order dated 18.8.2021, copy of which has been placed on record as Annexure P-11, this Court had observed as

follows :-

“With regard to issues No. 11 and 12, the objection of the revisionists is with regard to onus of proof being placed upon defendants/counter claimants instead of plaintiffs, who had raised such objection. Counsel for respondents no. 1 to 9 states that he has no objection if onus of proving these issues is placed upon the plaintiffs. The trial Court may act accordingly.”

It appears that the Judicial Officer has either not read the order or could not understand or interpret it in a proper manner. It has been clearly mentioned that counsel for respondents No. 1 to 9 had stated that he has no objection if onus of proving those issues is placed upon the plaintiffs and the trial Court was asked to act accordingly. But even then, the Judicial Officer has not complied with such direction. She is directed to properly read that portion of the order and then act accordingly.

With such observations, the present civil revision petition stands disposed of.

17.9.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No