

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR No.668 of 2022(O&M)
Date of decision:28.02.2022

Amarjit Singh

...Petitioner

Versus

Harnek Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Garg, Advocate, for the petitioner.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The suit filed by the petitioner, with a prayer to grant of decree for declaration to the effect that the plaintiff along with defendant no.4 to 8 are owners of equal share in the suit land, is pending. By way of the impugned order, the Court has refused to grant any further opportunity to the plaintiff to lead evidence.

The learned counsel representing the petitioner contends that after framing of the issues on 08.02.2018, the case was fixed for examining the plaintiff's witnesses on 14.03.2018. He submits that on 14.03.2018, it was adjourned to 01.05.2018 and on 01.05.2018, it was adjourned to 30.05.2018, when an application for production of original writing dated 20.08.1985 was filed by the plaintiff. Thereafter, the application remained pending and in between an application for permission to lead the secondary evidence was also filed by the plaintiff which came to be decided by the trial Court vide an order dated 04.10.2021. He submits that thereafter, no doubt, the plaintiff has been granted opportunities to lead evidence on 23.11.2021

and thereafter on 23.12.2021, however, the Court refused to grant any further opportunity while closing his opportunity to lead evidence. He submits that due to surge in the infections of Covid-19, the courts were unable to work in a normal manner. He further submits that after the application for permission to lead secondary evidence has been decided on 04.10.2021, the petitioner has been granted only two opportunities.

Keeping in view the aforesaid facts, it is considered appropriate to grant an opportunity to the petitioner to conclude his evidence sought to be produced by him. This order has been passed keeping in view the fact that the application for permission to lead secondary evidence has remained pending for a period of more than 2 years. The petitioner shall be granted only one opportunity on the date to be fixed by the trial court, subject to payment of costs of Rs.10,000/-, which shall be payable to the defendants by way of Demand Draft.

With these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

February 28, 2022
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(ANIL KSHETARPAL)
JUDGE

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