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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2672-2022 (O&M)
Date of Decision:14.07.2022

Lachhman Singh and others

.. Petitioners

Vs.

Sukhjeet Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Raj Chaudhary, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioners/Defendants are aggrieved against the order dated 20.05.2022 (Annexure P-3), whereby the Civil Judge (Jr. Div.), Barnala proceeded to close their defence evidence in Civil Suit No.912/2016 brought by respondents (plaintiffs).

Learned counsel has argued that though the plaintiffs/respondents had brought a suit for injunction in the year 2016 and the evidence of the defendants commenced only in January, 2022 and no doubt various opportunities were given to the defendants to conclude their evidence, but despite service of summons upon the material witness i.e. Secretary Gram Panchayat, Mehal Kalan, he did not appear on 20.05.2022, who also explained the reasons that not only the record required to be produced is old, but also he is engaged in an important meeting on 20.05.2022. Learned counsel submits that the Civil Judge, Barnala without examining the background of his absence proceeded to close the evidence. He states that the defendants need only one opportunity to conclude their evidence.

Heard.

After hearing the learned counsel and considering the other zimni orders, which are placed on record would show that indeed plenty of opportunities were given to the defendants, who failed to examine their witnesses, but prior to 20.05.2022, the case was listed on 19.05.2022 and the summons issued to the witness were served, and the witness had expressed his inability to attend the Court for variety of reasons and the same appears to be justifiable.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondents (plaintiffs), as it may cause unnecessary burden upon them, and the nature of order would not cause any prejudice to them as they would be given an opportunity to cross-examine the witness. However, it is made clear that in case, the plaintiffs feel that the petitioners (defendants) have not approached this Court with clean hands, it shall be open for them to seek recalling of this order.

Thus, considering the above, the impugned order dated 20.05.2022 (Annexure P-3) is set aside and defendants/petitioners are granted only one opportunity to examine the witness at their own responsibility on or before the next date of hearing i.e. 19.07.2022.

Disposed of.

14.07.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No