

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

(114)**CR-4367-2022****Date of Decision: 07.12.2022**

Manjit Singh

...Petitioner

Versus

Ram Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Gulrej Khan, Advocate, for
Mr. Sandeep Kumar Bansal, Advocate, for the petitioner.

HARKESH MANUJA, J.(ORAL)

By way of present revision petition challenge has been made to an order dated 18.08.2022 (Annexure P-1) passed by the Court of learned Civil Judge (Sr. Divn.), Bathinda, whereby, evidence of the petitioner/plaintiff has been closed by Court order.

Brief facts of the case are that, petitioner/plaintiff filed a suit for permanent injunction with a prayer for restraining the defendants from alienating the suit property as detailed in the plaint situated in Village Bhokhra, Tehsil and District Bathinda, besides even restraining respondents from interfering in his possession thereof.

Upon notice, respondents/defendants appeared and contested the suit. Issues in this case were framed on 23.10.2017 and since then the petitioner was already granted adequate opportunities for concluding his evidence and in the process, he infact examined 19 witnesses to support his case. During the course of argument, by challenging the order dated 18.08.2022 passed by the trial Court whereby, evidence of the

petitioner/plaintiff has been ordered to be closed, learned counsel for the petitioner submits that the petitioner acted with all due diligence while pursuing his litigation and it is not a case where he has not examined any witness so far and thus, he is entitled to grant at least one last opportunity to conclude his entire evidence. On asking about the nature of evidence to be adduced, learned counsel submits that the petitioner intends to examine Patwari (Revenue), Patwari (Irrigation), Sader Kanungo and one Land Acquisition Officer of the concerned area, in support of his case.

I have heard learned counsel for the petitioner and have gone through the paper book. However, I do not find any substance in the submissions made on behalf of the petitioner.

A perusal of the zimni orders produced before this Court during the time of hearing show that issues were framed way back on 23.10.2017 along with the disposal of application under Order 39 Rule 1 & 2 CPC filed at the instance of petitioner/plaintiff wherein, the interim protection was ordered in his favour, directing the parties to maintain status quo as regards possession. In the facts of the present case as per the plaint, the plaintiff/appellant claims himself to be lessee of respondents/defendants and the lease period as per his own case already stands expired on 18.09.2016 and as such, it appears that the delay in disposal of suit is helping him in order to retain the interim order passed in his favour. Even otherwise, learned counsel for the petitioner has not been able to justify the requirement and relevance of witnesses now sought to be examined in support of his claim in the suit, particularly when nineteen witnesses already stands examined at the instance of petitioner/plaintiff.

According, keeping in view the facts and circumstances of the present case, I do not find any justification to interfere with the order passed by the trial Court which appears to be just and equitable, resultantly, the present revision petition is dismissed.

Pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

07.12.2022
anil

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