

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

CR-291-2023 (O&M)

Date of Decision: 17.01.2023

Manjinder Singh

.....Petitioner

Versus

Karamjit Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Atul Bhatia, Legal Aid Counsel
for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for setting aside order dated 31.10.2022 passed by learned Civil Judge (Junior Division), Patiala, whereby in a suit for declaration, the application filed by the plaintiff/petitioner for leading additional evidence for summoning the witness i.e. Revenue Expert Kanungo has been dismissed.

2. Given the nature of order being passed, there is no necessity to issue notice to the defendant/respondent as no prejudice would be caused to them. Notice to the respondent is thus dispensed with.

3. I have heard learned counsel for the plaintiff/petitioner and gone through the case file.

4. Ordinarily this Court would not have interfered in the matter since ample opportunities have already been given to the plaintiff to adduce evidence, but given the peculiar circumstances of the case where the defendant is already *ex parte*, no prejudice would be caused to the defendant and the delay, in any case, in proceedings is detrimental to the plaintiff himself. As regards the reasons for not adducing evidence earlier, which has now been sought to be led by way of additional evidence, the candid averment in the application filed by the petitioner is that it was by sheer inadvertence caused by the legal advice given to the plaintiff at the relevant

time to close his evidence. Subsequently, on an attentive consideration of the evidence and while hearing arguments, it transpired that the concerned Kanungo of the area, where the land in question is situated, is to produce the relevant excerpt of the revenue record, and in the absence thereof, prejudice would be caused to the plaintiff *qua* his title claimed in the suit land.

5. In the premise, for the reasons recorded herein above, the revision petition merits acceptance. Accordingly, the revision petition is allowed. Petitioner is granted one opportunity to adduce additional evidence in accordance with law.

6. Pending civil miscellaneous application(s), if any, shall also stands disposed of.

(ARUN MONGA)
JUDGE

January 17, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No