

2023:PHHC:138469

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

CR-6083-2019 (O&M)
Date of decision: 30.10.2023

Ambrish Kumar

....Petitioner

Versus

Bhagwan Dass and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajesh Arora, Advocate for the appellant

Mr. Vipul Sharma, Advocate for respondent no.4, 7, 8
& 9

Mr. Arjun Rai, Advocate for respondent no.6

Ms. Sonia Madan, Advocoate for respondent no.10

ANIL KSHETARPAL, J (Oral)

1. The prayer is to set aside the orders dated 04.09.2019 and 03.05.2019. The court has closed the opportunity to the plaintiff to lead further evidence. The request of the plaintiff to recall the order dated 03.05.2019 has also been rejected vide order dated 04.09.2019. A perusal of the file shows that plaintiff no.1 Ambrish Kumar appeared in evidence on 31.10.2018 and tendered his affidavit in lieu of the examination in chief. The hearing of the case was adjourned on the request of the learned counsel representing the defendant. The plaintiff also summoned Sh.Mandeep Hooda, Patwari alongwith the record. On 14.11.2018, Sh.Mandeep Hooda, Patwari appeared in the court and undertook to

produce the summoned record on the next date of hearing. Thereafter, the court passed the impugned order on the ground that the plaintiff has already been granted 14 opportunities.

2. It is evident that the plaintiff has already tendered his affidavit in lieu of examination-in-chief. The hearing of the suit was adjourned at the request of the learned counsel representing the defendant. Thereafter, no specific direction has been issued to the plaintiff to fix cross-examination. Moreover, the court has failed to take action despite the fact that Patwari did not produce the summoned record, though, undertook before the court.

3. Keeping in view the aforesaid facts, the revision petition is allowed. The petitioner is directed to appear before the trial court to face cross-examination on 07.11.2023. The trial court is also requested to summon the concerned Patwari alongwith the requisitioned record on 07.11.2023 or on some future date to be fixed by the trial court. The learned trial court is also requested to make sincere endeavour for expeditious disposal of the case.

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

30.10.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE