

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.22 of 2024

Date of Decision: 08.01.2024

Manoj Kumar Gupta

...Petitioner

Versus

Mahavir Prashad

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Ojas Bansal, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision-petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has invoked the jurisdiction of this Court under Article 227 of the Constitution of India to assail the order (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Rewari (for short 'the trial Court') on 19.12.2023 in ***Civil Suit No.1683 of 2016*** titled as '***Manoj Kumar Gupta versus Mahabir Prashad***', whereby application Annexure P-4, as moved by him for seeking permission to lead additional evidence, by way of producing the sale-deeds dated 05.11.1992 and examining Surender Kumar Gupta, a witness to the execution of Settlement/Compromise-Deed as well as the Executive Magistrate, who had attested the same, as his witnesses, has been partly allowed to the extent of producing the above-referred documents but has been dismissed so far as it pertains to the examination of the afore-mentioned witnesses.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. During the course of arguments, learned counsel for the plaintiff have submitted that if permitted, the plaintiff would examine both the above-said witnesses, at his own responsibility, on 09.01.2024, i.e the date as already fixed for leading his additional evidence in the afore-referred Civil Suit.

4. Though, the plaintiff did not examine the above-said witnesses at the time of leading his evidence earlier but keeping in view the facts that he (plaintiff) has based his claim in the Civil Suit on the above-said Settlement/Compromise-Deed and in case he is deprived of the opportunity to examine these witnesses, he would suffer an irreparable loss that may further lead to/result in mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if he (plaintiff) is allowed to examine both the afore-said witnesses in his additional evidence on 09.01.2024 but subject to the payment of cost to the respondent-defendant.

5. Resultantly, without issuing notice to the respondent-defendant so as to avoid any further delay in the trial of the above-said Suit and also to avert the expenses that he (respondent) may have to incur to defend in this petition, the impugned order dated 19.12.2023 is partly modified and the revision-petition in hand is, hereby, disposed of with a direction to the trial Court to allow the plaintiff to examine both the afore-said witnesses in his additional evidence on 09.01.2024 but the payment of cost of Rs.40,000/- shall be a condition precedent for doing so and in case of default on his part in

examining both the said witnesses or in the payment of cost on the above-mentioned date, he shall not be entitled to any further opportunity for the afore-said purpose.

6. However, it is further clarified here that in the eventuality of the respondent-defendant feeling aggrieved by this order, he shall be at liberty to move an appropriate application to contest the instant revision-petition.

7. A copy of this order be supplied to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.

08.01.2024
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>