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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4968-2024
Date of decision: 31.08.2024

Ram Gulab Verma @ Ram Lal Verma

...Petitioner

Versus

Harjit Kaur Anand

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

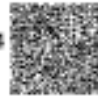
Present: Mr. Vishal Goel, Advocate for the petitioner.

Mr. Karan Gupta, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. Prayer in the present revision petition is for setting aside the impugned order dated 05.08.2024 (Annexure P-15) passed by the Court of Civil Judge (Junior Division), Patiala in Civil Suit No.1213 of 2020 titled as “Harjit Kaur Anand Vs. Ram Gulab Verma @ Ram Lal Verma”, whereby the evidence of the petitioner had been closed by order.

2. Learned counsel for the petitioner has submitted that in the present case, although the original suit for possession (Annexure P-1) was filed by Gurjit Singh and Jagdeep Singh against the present petitioner but in the said suit, an application under Order 22 Rule 10 read with Order 1 Rule 10 of CPC was filed by respondent-Harjit Kaur Anand and the same was allowed vide order dated 16.09.2021 (Annexure P-2) and she was



impleaded as plaintiff in the said suit. It is submitted that the petitioner had filed the written statement as well as the counter claim and the evidence of the petitioner had started on 07.02.2024 and on 21.02.2024, DW1 was examined and his cross-examination was deferred on the request of counsel for the plaintiff. It is further submitted that on 09.04.2024, DW2 was present and his examination-in-chief was conducted but his cross-examination was deferred on the request of counsel for the respondent/plaintiff for 01.05.2024 and on 01.05.2024, the said DW2 was fully cross-examined. The zimni order dated 20.05.2024 has also been highlighted in order to show that on the said date, DW3 was present and was examined and that on 25.07.2024, DW4 was partly examined and his cross-examination was deferred on the request of counsel for the plaintiff. It is submitted that a perusal of the zimni orders would show that it was only on two dates that no DW was present and that the case is now fixed for rebuttal evidence on 04.09.2024. It is submitted that the evidence of the petitioner had been closed by impugned order dated 05.08.2024 (Annexure P-15) and that the petitioner be granted one more opportunity as he wishes to examine Jaspreet Singh and he would examine the said Jaspreet Singh on the next date at his own responsibility and thus, one effective opportunity be granted to the present petitioner.

3. Learned counsel for the respondent has submitted that the suit, in the present case, is for possession and thus, delay in the matter would cause loss to the respondent and has submitted that, in case, any opportunity is to be granted to the petitioner, then, the same should be the last opportunity and the same should also be subject to the payment of costs to

the respondent-Harjit Kaur Anand.

4. Keeping in view the abovesaid facts and circumstances, more so, the facts that a perusal of the zimni orders would show that the witnesses of the defendant had been appearing and on certain dates, counsel for the respondent/plaintiff had taken adjournments to cross-examine the said witnesses and it does not seem to be a case where the defendants-petitioner are unduly delaying the matter and thus, in the said circumstances, the impugned order dated 05.08.2024 (Annexure P-15) is set aside and the petitioner is granted one last effective opportunity to examine the said Jaspreet Singh at his own responsibility on 04.09.2024 which is stated to be the next date before the trial Court. The same would also be subject to the payment of Rs.10,000/- as costs, since the suit filed is for possession and the said costs would be deposited by the petitioner before the trial Court on or before 04.09.2024 and the trial Court would release the said amount to respondent-Harjit Kaur Anand. It is made clear that, in case, the said amount is not deposited on or before the next date of hearing, then, the present revision petition would be deemed to be dismissed. Moreover, in case, the petitioner does not produce the said witness-Jaspreet Singh on 04.09.2024, then, also the present revision petition would be deemed to be dismissed.

5. In view of what has been observed above, the present revision petition is disposed of.

31.08.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No