

**CR-5407-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(126)****CR-5407-2024****Date of Decision: - 18.09.2024****Sunny Parpagga****....Petitioner****Versus****Rajni Bala****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Davinder Singh Saini, Advocate,
for the petitioner.

**********VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 28.05.2024 (Annexure P-8) passed by the Additional Principal Judge, Family Court, Ludhiana, vide which the application of the petitioner/plaintiff for summoning the witnesses and permission to deposit the diet money has been dismissed.

2. Learned counsel for the petitioner has submitted that the present suit has been filed by the petitioner for permanent injunction restraining the defendant, her employees, associates from interfering in the peaceful possession of the petitioner and further restraining the defendant from alienating the suit property and dispossessing the plaintiff from the suit property. It is further submitted that other prayers have also been made in the same. It is stated that the case is still pending for

**CR-5407-2024****-2-**

evidence of the plaintiff and now the case is fixed for 09.10.2024 and has further submitted that the petitioner had moved an application dated 24.04.2024 (Annexure P-7) for summoning eight witnesses, but however the said application has been dismissed vide the impugned order dated 28.05.2024 (Annexure P-8). It is further stated that in case the petitioner is not permitted to summon the material witnesses, then, he would suffer serious prejudice in his case and has submitted that since it is the suit of the petitioner, thus, the delay, if any, would primarily cause harm to the petitioner only. It is submitted that the petitioner would only examine Mohit Sehgal (shown at Sr. No.2(a)), Kiran Bala (shown at Sr. No.2(c)), and the concerned clerk/record keeper (mentioned at Sr. No.2(e)) of the application dated 24.04.2024 and for the said purpose has sought two effective opportunities. It is further submitted that for the inconvenience caused to the respondent/defendant, the present petitioner is ready to pay an amount of Rs.20,000/- as cost.

3. Keeping in view the above-said facts and circumstances, moreso the fact that the case is still pending for the evidence of the plaintiff, the present revision petition is partly allowed and the impugned order dated 28.05.2024 (Annexure P-8) is set aside and the petitioner is granted two effective opportunities to complete his entire evidence. The same would be subject to the petitioner depositing an amount of Rs.20,000/- on or before 09.10.2024, which is stated to be the next date of hearing and on depositing the said amount, the same would be released by the trial Court to the respondent.

**CR-5407-2024****-3-**

4. It is made clear that in case the cost is not deposited by the petitioner till the said date, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent-defendant as the issuance of any notice would further delay the proceedings in the suit and also entail expenses for the respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case any of the statements made before this Court is found to be false/incorrect.

September 18, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No