

**CR-3304-2024(O&M)****137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-3304-2024(O&M)****Date of decision:29.04.2025**

Tara Chand

..Petitioner

Versus

Karamvir and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ritesh Tomar, Advocate for the petitioner

Mr. Abhishek Goyal, Advocate for the respondents

ANIL KSHETARPAL, J. (Oral)

1. The present revision petition has been filed by the plaintiff to assail the correctness of the order passed by the trial court on 17.08.2023, whereby the court has closed opportunity for the plaintiff to lead further evidence. Learned counsel representing the petitioner contends that on 03.08.2023, the concerned Clerk from the office of the Registrar with the record of the sale deed dated 28.01.2014 was summoned and his diet money of Rs.220/- was deposited. He further submits that the court official failed to issue the summons and the concerned Clerk from the Registrar's office is required to be examined.

2. Learned counsel representing the respondent submits that the plaintiff has already been granted 17 opportunities.

3. Be that as it may. The present suit is for partition and permanent injunction with consequential relief of permanent injunction. Once the diet money for summoning the official from the Registrar's office



CR-3304-2024(O&M)

was deposited after the plaintiff was permitted to summon the witness, the court was required to issue notice. From the reading of the impugned order, it is evident that the trial court did not advert to the aforesaid aspect. Subsequently, the plaintiff filed an application bringing this fact to the notice of the Presiding Judge, however, the same was also dismissed.

4. Keeping in view of the facts of the case, the impugned order is set aside. The plaintiff is permitted to summon the concerned official from the Registrar's office. It shall be the duty of the petitioner to take dasti notice and serve the Clerk.

5. The revision petition stands allowed.

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

(ANIL KSHETARPAL)
JUDGE

29.04.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No'