

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CR-7046-2024 (O&M)
Date of decision: 28.01.2025

VIJAY

..Petitioner

Versus

SATYA NARAIN AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Kumar Singal, Advocate
for the petitioner.ANIL KSHETARPAL, J(Oral)CM-872-CII-2025

1. Allowed as prayed for.
2. Zimni orders (Annexure P-6) are taken on record.

Main case

3. Although, the respondents have not put to notice, however, to avoid further delay it is considered appropriate to decide the revision petition.
4. The petitioner's filed in the year 2016 suit for grant of possession with a consequential relief of permanent injunction is pending before the Court. On 12.08.2024, the trial Court culled out the following issues:-

- "1. Whether the plaintiffs are owners of the suit property, detailed in para No. 2 of the plaint? OPP*
- 2. Whether the defendants have encroached upon the suit property as alleged? OPP*
- 3. Subject to findings on issues No. 1 and 2, whether the plaintiffs are entitled to possession of the suit property? OPP*
- 4. Whether the plaintiffs are entitled to the consequential relief of permanent prohibitory injunction, as prayed for? OPP*



5. *Whether the plaintiffs have no cause of action? OPD*
6. *Whether the suit is not maintainable? OPD*
7. *Whether defendant No. 1 has become owner of the suit property by adverse possession as against the plaintiffs? OPD*
8. *What relief?"*

5. On 27.09.2024, the case was adjourned to 07.10.2024 for plaintiff's evidence.

6. On 07.10.2024, the following order was passed:-

"No PW is present. On request, one more opportunity is given. Since list of witnesses was not filed after settlement of issues, no assistance shall be provided to the plaintiff for securing presence of any witness. The plaintiff shall be at liberty to produce the witnesses at own responsibility. This order is passed considering the fact that the case pertains to the year 2016 and such negligence on part of the parties causes unnecessary delay in disposal of Action Plan Cases. List on 15.10.2024 for plaintiff's evidence."

7. The plaintiff claims that while filing the suit, he has relied upon demarcation report prepared by the 'kanungo' after demarcating the site. He wants to prove the same by summoning 'kanungo', who has retired and the concerned clerk with the record. Though, the plaintiff was required to supply the list of witnesses before settlement of the issues, however, the Court does have enabling power to render assistance in summoning the official witnesses even at subsequent stage. Undoubtedly, efforts must be made to expeditiously dispose of the suit, however, the Court is required to maintain delicate balance between speedy trial of the cases and substantive justice. In this case, the issues were culled out only on 12.08.2024, hence, the impugned order is set aside while granting permission to the petitioner to seek assistance of the Court in summoning the 'kanungo' and the clerk along with the record to prove his case.



- 8. The defendant (respondent No.1) will have liberty to file application for recall.
- 9. With these observations, the revision petition is disposed of.
- 10. All the pending miscellaneous applications, if any, are also disposed of.

January 28th, 2025
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No