



CR-3035-2019 (O&M)

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-3035-2019 (O&M)

Date of decision: 05.03.2025

Sudarshan Kumar

..Petitioner

Versus

Municipal Corporation Amritsar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akhilesh Vyas, Advocate for the petitioner

Mr. Sarthak Soni, Advocate for

Mr. Sanjeev Soni, Advocate for respondent no.1

Mr. Anil Chawla, Advocate for respondent no.6

Mr. Jatan D Chandail, Advocate for

Mr. Ashish Aggarwal, Advocate for respondent no.8 and 9

ANIL KSHETARPAL, J. (Oral)

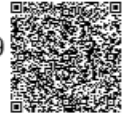
1. The plaintiff prays for another opportunity to conclude his evidence. On 01.04.2019 the trial court closed the plaintiff's evidence. An application filed for recall of the order dated 01.04.2019 has also been dismissed by the trial court on 23.04.2019, with the following order:-

“The present application has been filed by plaintiff for reviewing order dated 1.4.2019 by which evidence of the plaintiff was closed by order as he wants to examine Clerk from the office of Sub Registrar and Clerk from the office of Municipal Town Planner, Municipal Corporation, Amritsar along with the relevant record. Before going into further discussion, perusal of the file reveals that in the present case issues were framed on 19.2.2016 and direction was given to the plaintiff to conclude his entire evidence in three effective

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opportunities and thereafter case was fixed for Pws and till 1.4.2019, plaintiff after availing uncountable opportunities has failed to conclude his evidence. It is relevant to mention that no list of witnesses were provided by the plaintiff after framing of issues. Counsel for the applicant/plaintiff stressed that he moved an application on 01.03.2019 for summoning the said witnesses which was allowed by the undersigned but he has shown ignorance to the directions passed by the undersigned in the above said application which was allowed by the undersigned. It is pertinent to mention that while allowing application for summoning the above said witnesses, direction was given to the applicant that he shall obtain dasti summons of these witnesses and to be served upon them at his own responsibility and no assistance will be provided by the court. In the present case applicant has not given application for summoning the present witness at the first instance when the issues were framed (i.e on 19.2.2016) and rather moved an application at very belated stage but after considering the interest of justice application was allowed subject to dasti summons but again plaintiff has not served the summons upon both the witnesses mentioned in the application and rather summoned only one witness and that to on one occasion which shows his casual attitude. He was fully aware of the fact that he has availed numerous opportunities to conclude his evidence but even then he has failed to conclude his evidence. Counsels for the defendants contended that only revision can be filed against closure of evidence and no review order can be passed.”

2. Learned counsel representing the petitioner contends that on 01.03.2019, an application to summon two official witnesses namely Clerk from the office of the Sub Registrar and Clerk from the office of Municipal Town Planner, Municipal Corporation, Amritsar, was allowed by the court.

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He made an attempt to serve the Clerk from the office of the Municipal Corporation, however, it was reported that he is away to Chandigarh on VIP duty. He submits that he will examine both the witnesses, if one opportunity is granted.

3. Learned counsel representing the respondents submits that the plaintiff has committed repeated defaults as he never filed list of his witnesses.

4. Be that as it may. Keeping in view the facts of the case, the petitioner is granted one opportunity to examine both the official witnesses, subject to payment of Rs.5,000/- as costs. It shall be his responsibility to take dasti summons and serve upon the aforesaid official witnesses. If despite receipt of notices, the official witnesses do not appear, the trial court will take appropriate steps as envisaged in law.

5. Disposed of.

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

(ANIL KSHETARPAL)
JUDGE

05.03.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No