

Civil Revision No.5604 of 2016

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.5604 of 2016
Date of Decision: 31.8.2016

Gram Panchayat of village Uchana Khurd

---Petitioner

versus

Rajbir and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. DPS Bajwa, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition has been directed against order dated 5.8.2016 (Annexure P-1) whereby evidence of the petitioner (Gram Panchayat of village Uchana Khurd, Tehsil Narwana)/defendant has been closed by order.

Counsel for the petitioner has submitted that Smt. Bhateri Devi was appointed as Sarpanch of Gram Panchayat of village Uchana Khurd in

March 2016 and she took over as such in April 2016. As she was not aware of the proceedings before her appointment as a Sarpanch, she had no occasion to examine herself as a witness resulting in closing of evidence by order of the Court. It is further submitted that a serious prejudice is likely to be caused to the petitioner in case Sarpanch of the Gram Panchayat is not permitted to be examined as a witness when otherwise, the respondents/plaintiffs can well be compensated with costs for delay, if any, attributable to the petitioner. Counsel has apprised the Court that the case is now fixed for 5.9.2016 and Smt. Bhateri would ensure her presence before the court for her statement, in case, one opportunity is provided to the petitioner for adducing evidence.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Be that as it may, there is no dispute that the Gram Panchayat failed to adduce any evidence despite the case being adjourned on several occasions. However, in view of the submissions made by counsel for the petitioner that Smt. Bhateri is the newly elected Sarpanch of the Gram Panchayat and needs to be examined in the case, in the interest of substantial justice, one opportunity is provided to the petitioner to examine

Smt.Bhateri Devi on the date already fixed i.e. 5.9.2016 subject, however, to payment of costs of Rs. 10,000/- to be deposited with the trial court before the date fixed and shall be released in favour of the respondents/plaintiffs, as per rules. On failure of the petitioner to ensure presence of Smt. Bhateri Devi before the trial court on the date fixed or deposit of costs, the petition shall be deemed to be dismissed.

Before parting with the order, it is clarified that the petition has been disposed of without notice to the respondents in order to avoid inconvenience and incurring expenditure by them. However, if the respondents have any grievance to express, they shall be at liberty to file an appropriate application before this Court.

**(Rekha Mittal)
Judge**

31.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No