

SARBJIT SINGH HIRA VS SECRETARY, CHANDIGARH HOUSING
BOARD etc.

Present: Sh. Sunil Kumar, counsel for the plaintiff.
Ms. Geeta Gulati, counsel for the defendant No.1.
Sh. Amit Gupta, counsel for the defendants No.2 & 3.

Today the case was fixed for consideration on the application under Section 138 of Indian Evidence Act for re-examination of the i.e. the plaintiff. Heard upon the application filed on behalf of plaintiff under Section 138 of Indian Evidence Act for his re-examination. It is stated by applicant that he was completely cross-examined by the counsel for defendant but inadvertently due to oversight he could not submit the certificate under Section 65B of Indian Evidence Act, as such, he may be allowed to be recalled for further examination for tendering the certificate under Section 65B of Indian Evidence Act.

Separate reply to the application had been filed by defendants No.2 & 3 and application was objected on the ground that the same is not maintainable and has been filed with intention to delay the proceeding of this case. On merits. Rest of the averments of the application were denied being incorrect and prayer for dismissal of application was made. Arguments heard. Perusal of the case file reveals that plaintiff has filed the present suit for the relief of mandatory injunction directing defendant No.1 for remove/demolish the illegal/unauthorized construction raised on the 2nd Floor terrace in the form of room and on first floor unauthorized front and back terrace balconies, alteration in bathroom -WC of House No.796, Sector 41-A, Chandigarh and further he is seeking the relief of permanent injunction to the effect that that defendants No.2 & 3 raising further illegal/unauthorized construction of room on the terrace of Ist Floor. Issues were framed vide order dated 01.02.2019. PW1 Sarbjit Singh Hira was completely cross-examined vide order dated

07.04.2022 and then the present application was moved. The only prayer of the applicant is that he could not tendered the certificate under Section 65B of Indian Evidence Act along with his affidavit. Further perusal of the case file reveals that the case is still pending for the evidence of plaintiff. So, the application is allowed to the extent that plaintiff/applicant is allowed to placed on record the certificate under Section 65B of Indian Evidence Act and it would be read in evidence and there is no need to further re-examination the plaintiff in this regard. The present application is disposed off accordingly. Now, case is adjourned to 28.07.2023 for remaining evidence of the plaintiff.

Date of Order: 10.05.2023

Yogesh Kumar, Steno Gr.III

Puneet Mohinia
Civil Judge Jr. Div.
CHD/UID No. PB0497