

## **Jhndw-2 Statement Of Sh. Shivam Karol vs Om Prakash on 29 October, 2024**

jhnDW-2 Statement of Sh. Shivam Karol, aged 34 years, C/o Megagonn Architects, Ist Floor, Roshni Shopping Complex, Ram Chawk, Palampur, District Kangra, H.P.176061.

On Oath 18.04.2023 I am an Architect by profession. I founded an Architectural Design Firm with the aforesaid name since 2012. I was approached by defendant company for a visit at Nalagarh of their factory in the year 2018. Accordingly, I visited the factory of the defendant at Nalagarh with my team on 29th April, 2018. I inspected the entire premises of the factory and the defendants told me to demarcate the premises of the factory as some portion of the factory was rented out to the plaintiff by the defendant. After inspecting the entire premises of the factory with my team I prepared the report, which is mark "X", now Ext. DW-2/A, (original placed on record today), which is duly signed by me. I have mentioned in the Ext. DW-2/A, the premises which was disclosed to me to be rented out to the plaintiff by the defendant in green colour, however, there are certain portions adjacent to the shed rented out to the plaintiff, which was also under the occupation of the plaintiff, which has been reflected by me in Ext. DW-2/A in red colour.

xxxxxxx Cross examination by Sh. B.C. Negi, Senior Advocate with Sh.Ganesh Barowalia, Advocate for the defendant xxxxx I was approached by the defendant being a professional telephonically on my mobile at Palampur. I do not have office or branch at Nalagarh. Self stated that at the relevant i.e. 2018, I had one branch at Chandigarh also. The address of my Chandigarh Branch, Chamber No.215, Second Floor, SCO-7, Sector-7, Madhya Marg, Chandigarh. I did not check the revenue record before demarcating the premises of the factory of the defendant. I was given the detail regarding Khasra number and other revenue details by the owner of the factory himself. I never asked the owner of the factory to provide me the rent deed of the area which has been rented out to the plaintiff. Self stated that I was simply asked by the defendant to mark the area which was in the possession of the plaintiff at that relevant time. The defendant also asked me to mark the additional area which was in the possession of the plaintiff. There is one another factory besides the factory of the defendant and there were open fields on the other sides adjacent to the factory of the defendant. The main road approaches directly to the factory of the defendant, which was located on the end of the road. It is incorrect that I never visited the spot. It is also incorrect that I prepared the spot map Ext.DW-2/A, while sitting in my office. I am not authorized to demarcate the land as I am not a Revenue Officer. I did not notice two roads inside the factory of the defendant except the main road. I have not noticed six rain harvesting tanks and soak pits within the premises of the factory however, I have noticed one rain harvesting and one septic tank inside the factory premises of the defendant. It is incorrect that I am deposing falsely.

Paras Doger Registrar (Judicial) R.O & AC 18th April, 2023 (ravinder)

-1:- Statement of SI Mohar Singh, P.S. Sadar Bilaspur, H.P. On Oath 18.08.2022 Stated that in the year 2021, I was posted as I.O. at Police Station Sadar, Bilaspur. On 3.2.2020, a complaint Ext.AW1/A was received at Police Station, Bilaspur filed by the complainant Shri Kanshi Ram. The

said complaint was assigned to Karan Singh, I.O. for investigation. After conducting the investigation, I.O Karan Singh submitted his report Ext.AW1/B to S.P., Bilaspur and an entry was made in the Daily Diary Report dated 8.3.2020, Ext.AW1/C. We have not received any complaint in the month of July, 2020 at P.S. Bilaspur by Kanshi Ram nor it was sent to P.S. Bilaspur by the S.P Bilaspur for investigation. No record pertains to the complaint in the month of July, 2020 is available at P.S. Bilaspur. A complaint dated 3.12.2020 made by Kanshi Ram at P.S., Bilaspur was received from the office of S.P., Bilaspur, which is Ext. AW1/D. On the complaint Ext.AW1/D, the SHO Bilaspur submitted a report dated 5.12.2020, Ext.AW1/E (objected to on the mode of late production and proof). The copy of daily dairy report dated 5.12.2020 is Ext.AW1/F. I have brought the original record which is seen and returned.

XXXXXXX Cross examination by Shri Janesh Gupta, Ld. Counsel for the respondents/non-applicants  
xxxxx I am posted at P.S. Bilaspur since 2021. It is correct that in the complaints made by Kanshi Ram, I have not personally investigated the matter. The I.Os, who had conducted the investigations on the complaints of Kanshi Ram, has stood transferred from P.S. Bilaspur. It is correct that after my posting at P.S. Bilaspur, no further investigation has been carried out by me on the above said complaints by Kanshi Ram. It is correct that Ext.AW1/E does not bear my signature.

XXXXXXX Cross examination by Shri Himanshu Kapila, learned vice counsel for the proforma respondents xxxxx Opportunity given-Nil.

(Paras Doger) Registrar (Judicial) R.O & AC 18th August, 2022 (mamta) Statement of Shri Kanwar Bhupinder Singh, Advocate, for the defendant Without Oath 18.04.2024 Stated that I give up defendant's witnesses mentioned in the list filed on 29.04.201 being not required to be examined.

(Paras Doger) Registrar (Judicial) R.O & AC 18th April, 2023 (ravinder) AW-1:- Statement of Shri Om Prakash S/o late Shri Sant Ram R/o 17, Raelane Norwalk, CT. 006850-U.S.A On Oath 11.07.2022 In the year 1993, I filed a Civil Suit for declaration rendering the accounts and partition against the respondent Rajinder Kumar Sood and others. In the year September, 2000 this suit was partly decreed. Thereafter I filed an appeal registered as RFA 365 of 2000, against the judgment and decree in December, 2000 in the Hon'ble High Court. Alongwith the suit, I filed an application for restraining the defendants/respondents from changing the nature of the suit property, alienation and transfer of the suit property. On the above said application the Hon'ble Court granted the stay on 03.01.2001, whereby the respondent/defendant were restrained from changing the nature of the suit land and transfer of the suit property. Later on 05.03.2002 the original stay order was modified to the extent that any transfer of the suit property shall be subject to the final outcome of the appeal and in the meantime the respondents were restrained from creating any third party equity in the suit property. In the year 2012 in the month of July, the respondent Shri Rajinder Kuamar Sood had filed a case before Assistant Collector II Grade Theog regarding removal of my name from the specific suit land comprising Khasra Nos. 1000, 1001, 1002, 1003, 1004 and 1005 situated at Kalinda, Mohal Matyana Tehsil Theog, District Shimla, H.P. In the proceedings before the Assistant Collector II Grade Theog the respondent/defendant Shri Rajinder Kumar Sood has filed an application wherein he has given my wrong address and impleaded my younger brother namely Shri Rajneesh Sood who had expired in the year 1993. He intentionally made a dead person as a party in

the proceedings and gave his wrong name as Kuka and his address. The defendant/respondent had also specifically concealed the fact qua pendency of the RFA No. 365 of 2000 and also the stay order in effect and he further lied under oath that me and my brother had left the country 30 to 35 years ago and never came back to India thereafter to claim their share. The copy of the application before Assistant Collector Theog is marked as A-1 and the copies of the order dated 13.07.2012 passed by the Assistant Collector Theog is marked as A-2. On the basis of the above said application before the Assistant Collector II Grade Theog the respondent/defendant Shri Rajinder Sood had successfully remove my name from the revenue records. By doing so the respondent has willfully disobeyed and violated the orders of the Hon'ble Court and he is liable to punished for contempt of court. The violation of the stay order is still continuing as of day. xxxxxxxx Cross examination by Shri Neeraj Gupta, Ld. Counsel for the respondents xxxxx I have done my Master in Electrical Engineering and Computer Sciences. It is correct that I am well conversant with English and Hindi languages. It is correct that I had not personally gone through the plaint in the civil suit filed by me in the year 1993. Self stated that at that time I had gone through the plaint, however, the appeal was filed before the Hon'ble High Court through my general power of attorney. Again stated at the time of filing of the appeal I was at USA. It is correct that during the proceedings of the civil suit I was regularly attending the hearings in the Court. It is correct that in that civil suit my statement was recorded in the Court. I was consistently following the proceedings in the court through my Advocate by telephone. In September, 2000 I came to know that the suit has been partly decreed through my counsel engaged at that time. It is incorrect that my suit was dismissed by the Court of District Judge Shimla. It is correct that I was attending the proceedings in the High Court oftenly. I do not remember when for the first time, I had gone through the contents of the grounds of appeal. Self stated that in the mean time the counsel was regularly in touch with me over the phone. It is correct that after filing of the appeal my counsel confirmed me that the appeal had been filed and the stay has been passed by the Hon'ble Court. It is correct that after passing of the interim order I came to know about the nature of the order passed by the Hon'ble Court in my appeal. It is correct that the subsequent modification of the stay order was within my knowledge through my counsel. It is correct that the present contempt proceedings has been filed me after going through the contents of the contempt application. It is incorrect that the stay/interim order was completely modified by the court subsequently. It is correct that there is no order in the stay application after order dated 05.03.2002. I do not remember exactly for how many times I visited in India in the year 2009-10. Self stated that on an average I use to come after about two years. In the year 2011- 12 probably, I visited India twice or thrice, as there was some dispute regarding apple crop with respect to suit property. Self stated that this fact was also hidden in the proceedings before the Assistant Collector II Grade Theog by the respondent. I come to the suit property during the apple seasons and whenever I used to visit India. It is correct that in the year 2011, during apple crop season, I visited Matyana and I met the respondent personally and asked him to divide the apple crop as well as the suit property. It is incorrect that I had quarrel with the respondent Shri Rajinder Sood in the year 2011. Again stated that we had a quarrel and a police complaint was filed by the respondent against me with respect to stealing of the apple crop by me. It is correct that for that police complaint the proceedings were initiated and it went to the SDM. My statement was recorded before the SDM. It is incorrect that in the proceedings before the SDM Theog the statement of the respondent was also recorded as he was not present in that hearing. I am not aware any order dated 24.09.2011 in proceedings under Section 145 Cr.PC before the SDM Theog. I do know whether any inquiry was

being conducted by the police in that proceedings. I do not have any idea that the then SDM had marked the inquiry to the Tehsildar Theog pertaining to the police complaint. It is correct that to look after the Orchard one Gorkha who works for PWD used to remain in the Orchard. I do not remember the name of that Gorkha. I met that Gorkha in the Orchard whenever I used to visit Orchard/suit property. I met him in the year 2011 along with the respondent. It is incorrect that in the year 2011 I forcibly tried to take away the apple crop in spite of the resistance from the said Gorkha. It is incorrect that due to forcibly taking away the apple crop the proceedings under Section 145 of Cr.P.C. registered against me. I have never read Section 145 Cr.P.C. and I do not know about the order passed by the SDM Theog in that proceedings. Self stated that when I asked the Gorkha about other than 70 boxes of apple I was told by him that the respondent had already taken them with him. Due to which I took rest of the 70 boxes with me. It is incorrect that after holding of inquiry and orders of the SDM the proceedings were closed. It is correct that statement mark X bears my signature within red circle RX. It is incorrect that while making a statement Mark X on 21.09.2011 I disclosed my resident of VPO Matyana, Tehsil Theog, District Shimla, H.P. and also resident of VPO Amb District Una. Self stated that I have also disclosed the SDM about my permanent resident of USA. It is correct that in the appeal No. 3-VIII/15-15 under Section 14 of the Land Revenue Act filed by me before SDM/Collector my address have been mentioned as VPO Matyana, Tehsil Theog, as well as resident of 17, Raelane Norwalk, CT. 006850-U.S.A. Self stated that the Matayna address has been mentioned in my appeal because the respondent has mentioned my Matyana address in the proceedings. It is incorrect that the respondent has violated the order of the Hon'ble High Court in any manner. It is also incorrect that the application for contempt of court is misconceived. It is incorrect that in order to harass the respondent the contempt proceedings has been filed against him falsely as he is in possession of the suit property.

Paras Doger Registrar (Judicial) R.O & AC 11th July, 2022 (subhash) AW2:- Statement of Shri Sunil Kumar, Clerk in the office of Divisional Commissioner Shimla.

On Oath 11.07.2022 Stated that I have brought the requisition record pertaining to Case No. 2/2012 titled as Rajinder Kumar versus Om Prakash and another decided on 13.07.2012 by the Assistant Collector II Grade Theog. This record has been tagged along with the Revision No. 137 of 2015 pending adjudication before the Divisional Commissioner Shimla, titled as Rajinder Kumar versus Om Prakash. As per the record brought by me the application mark A1 now Ext. AW2/A and order dated 13.07.2012 mark A2 now Ext. AW2/B are correct. (Original seen and returned).

Xxxxx Cross examination by Shri Neeraj Gupta, Ld. Counsel for the respondents xxxxx It is correct that as per the record brought by me today the appeal against the order dated 13.07.2012 was filed before the SDM Theog by Shri Om Prakash which was registered as Case No. 3-VIII/15-15. The said appeal is still pending adjudication before SDM Theog. It is correct that as per the record brought by me from Divisional Commissioner Shimla, Revision Petition instituted by Shri Rajinder Kumar against Shri Om Prakash pertains to impugned order dated 23.02.2015 in Revenue Appeal No. 3-VIII/15-15.

Paras Doger Registrar (Judicial) R.O & AC 11th July, 2022 (subhash) Om Prakash versus Rajinder Kumar 11.07.2022 Present :- Shri Gautam Sood Ld. Counsel for the applicant.

Shri Neeraj Gupta, Sr. Advocate with Mr. Shri Pranjal Nunjal Ld. Counsel for the respondent.

Statements of Shri Om Prakash and Shri Sunil Kumar are recorded. The ld. counsel for the applicant has stated that applicant has moved an application under order 7 Rule 14 CPC for placing on record some documents. However, the same is not on record, due to which the other witness, Shri Narender Kumar from the office of Tehsildar Amb, present today could not be examined accordingly he is discharged for today. The petitioner has paid diet money to the officials witness present today. Let the case be listed before the Hon'ble Court for appropriate orders in view of the application under Order 7 Rule 14 CPC.

Paras Doger Registrar (Judicial) 11th July, 2022 (subhash) 01.08.2022 Present :- Shri Anubhav Chopra, Advocate, vice Shri Rahul Singh Verma, Advocate, for the Plaintiff.

Shri Shriyek Sharda, Senior Assistant Advocate General, for defendant No.1 and 2-State.

Shri Hemant Sharma, Advocate, vice Mr. Aman Sood, Advocate, for defendant No.3.

The matter was listed before learned Registrar (Vigilance) today. Due to shifting of the Vigilance Branch, the matter was sent to learned Registrar (Rules) but due to shifting of the Rules Branch also the matter was sent to learned Registrar (Administration) for recording the evidence. As per the note of the learned Registrar (Administration), he showed his inability to record the evidence since is busy in convening the meeting with the Department of Information and Technology. Accordingly, the matter is taken by the undersigned.

The learned vice counsel for the plaintiff has submitted that the original counsel is out of station and as per his instructions no witnesses on behalf of the plaintiff are present today. Learned vice counsel for the plaintiff seeks one more opportunity for leading the evidence on behalf of the plaintiff.

As per order dated 11.04.2022 of the Hon'ble Court, last opportunity was given to the plaintiff to lead its evidence and the presence of the plaintiff's witnesses was on self responsibility. Since no witness on behalf of the plaintiff is present today, therefore, the evidence could not be recorded. Further, last opportunity was afforded to the plaintiff to lead evidence, therefore, no extension of time can be granted by the undersigned for leading evidence by the plaintiff.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 1st August, 2022 (Pritam) Meenu Behal versus Biru Ram and others 03.08.2022 Present: - Shri Chander Shekhar Sharma, Advocate for the plaintiff.

Shri Mukul Sood, Advocate for defendants No. 1 to 4.

Shri K.R. Kashyap, Advocate for the respondent No.5.

The Id. Counsel for the plaintiff has submitted that the OMP No. 693 of 2021 dated 30.11.2021 is still pending for adjudication whereby the defendant No.5 has prayed for the permission to re-file the written statement on behalf of the defendant No.5. The perusal of the case file shows that though the written statement on behalf of defendant No.5 is on file, but without the decision of the said application the same cannot be said to be on record. The Id. Counsel for the defendant No.5 has prayed that the above said application shall be listed in the Hon'ble Court for its adjudication so that the right of the defendant No.5 should be protected in the present case. Today the plaintiff, her husband namely Shri Rajneesh Behal, Vishwanath Sharma, and Chhabinder Thakur are present, however, one witness namely Madan Lal Behal is not present despite his due service.

The Id. Counsel for the defendant No.5 submitted that in that eventuality, the witnesses, who are present in the court today could not be examined without the adjudication of the above said application i.e. OMP No. 693 of 2021 in the present civil suit. The Id. Counsel has submitted that the matter be adjourned in the interest of justice. The opposing counsels have not opposed the prayer of the Id. Counsel for defendant No.5. The diet money to the witnesses has been paid today in cash. In view of the submissions of the Id. Counsels for the parties, let the matter be listed in the Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd August, 2022 (subhash) Pancham versus Arun Kumar and another In RSAST No. 28925 of AW1:- Statement of Shri Rakesh Sharma S/o late Shri Pancham /o Khajan P/o Sadwan, Tehsil Nurpur, District Kangra, H.P. age 48 years.

On Oath 04.08.2022 Stated that in the year 2016 my father was suffering from dementia and during his ill health he died on 25.08.2018. The copy of the death certificate is Ext. AW-1/A. (Original seen and returned). During the lifetime of my father, my father never disclosed me, my brothers and my mother about any pending civil litigation in the courts as my brothers use to stay away from our native place. After the death of my father I received a notice on 12.10.2018 from the Court of Civil Judge Court No.2, Nurpur in an Execution Petition. Thereafter we went to our advocate Nurpur and apprised him about the notice. Thereafter our advocate informed us that a case/civil suit for vacant possession filed by Shri Arun Kumar against my father has been decreed on 03.08.2013. Our counsel also informed us that thereafter my father had filed an appeal before the Appellate Court and the same had also been dismissed on 08.09.2016. Thereafter we applied for the certified copy of the judgments and decree of the Court of Civil Judge Nurpur on 10.05.2019 and same was received by us on 14.05.2019. The certified copy of the judgment of the Appellate court was found by us in our house in the box in which my father used to keep the documents. On finding the certified copy of the Courts we came to know about the civil litigation going between my father and Shri Arun. Thereafter we filed the appeal against the judgment dated 08.09.2016 before the Hon'ble High Court. The delay in filing the appeal neither intentional nor willful but due to the above stated reasons.

Xxxxx Cross examination by Ms. Anu Tuli Advocate Id. Counsel for the respondents xxxxx Presently I am unemployed. Self stated that up till 2018 I use to work in a private company at Solan. I have not brought any authority letter to adduce evidence on behalf of my brothers. We have not placed on record any medical record regarding ill health of my father since the year 2016. I am not aware that

except the present litigation another civil litigation was also going on between my father and Shri Arun. It is correct that one another RSA bearing No. 308 of 2018 was also pending in the Hon'ble High Court in which I and my brothers being legal heirs have represented in that case. It is correct that the said RSA bearing No. 308 of 2018 has been decided by the Hon'ble High Court on 17.09.2019. It is incorrect that we have not filed the present appeal within time intentionally and the same has been filed belatedly in order to drag the respondent into unnecessary litigation. It is correct that on 08.09.2016 when the Appellate Court decided the appeal my father was alive. We have nuclear family. I have not brought any document today which shows that my family is separated and stands registered as separate family. I have brought my Addhar card today. It is correct that the address on my Addhar card and the memo of the parties of the present application are same. It is incorrect that I am residing on the present address for the last 40 years. It is correct that all the cases were seriously contested by my father in the courts during his lifetime. At the time of death of my father he was about 85 years old. It is incorrect that we use to accompanying him due to his old age to the Courts during the dates fixed by the Courts. It is correct that we have not annexed the copies of the CDI forms for applying the certified copies of the judgments of the Court. I have gone through the contents of the application before signing the same. It is incorrect that I am deposing falsely. It is incorrect that just to harass the respondent I have filed the present application and appeal.

Paras Doger Registrar (Judicial) R.O & AC 4th August, 2022 (subhash) Pancham versus Arun Kumar and another In RSAST No. 28925 of Statement of Shri O.C. Sharma, Ld. Counsel for the applicants.

Without Oath 04.08.2022 Stated that I do not want to lead any further evidence and close the evidence on behalf of the applicants.

Paras Doger Registrar (Judicial) R.O & AC 4th August, 2022 (subhash) Pancham versus Arun Kumar and another In RSAST No. 28925 of 04.08.2022 Present: - Shri O.C. Sharma, Ld. Counsel for the applicants.

Ms. Anu Tuli, Ld. Counsel for the Non- applicants Statement of Shri Rakesh Sharma is recorded. The Ld. Counsel for the applicants vide his separated statement has closed the evidence on behalf of the applicants. The Ld. Counsel for the respondent has submitted that she also wants to lead the evidence on behalf of the respondents. Let the steps i.e. PF, diet money and list of witnesses be filed within 10 days. Thereafter, the process be issued for the service of RWs.

Let the matter be listed before the Additional Registrar (Judicial) for fixing the date for recording the evidence of the respondents.

Paras Doger Registrar (Judicial) 4th August, 2022 (subhash) Prem Singh and ors. Vs. Kanshi Ram and others CMP No.2831 of 2021 in RSA No.511 of 18.08.2022 Present: - Shri G.D. Verma, Senior Advocate with Shri Romesh Verma, Advocate for the applicants.

Shri Janesh Gupta, Advocate for non- applicants.

Mr. Himanshu Kapila, Advocate, vice counsel for proforma respondents.

Statement of S.I Mohar Singh is recorded today. Learned counsel for the applicant vide his separate statement has given up Shri Shyam Lal, Head Constable, P.S. Bilaspur.

The witnesses at Sr.Nos.1 to 3 in the list of witnesses have already been given up by the learned counsel for the applicants as per the Hon'ble Court's order dated 19.4.2022. As per report, AW4 namely Rajinder is duly served, but he did not put his appearance for adducing his evidence. Let the bailable warrants to the tune of Rs.500/- be issued against the witness at Sr.No.4, mentioned in the list of witnesses, returnable for 12.10.2022.

Let the case be listed for remaining AWs on 12.10.2022.

Paras Doger Registrar (Judicial) 18th August, 2022 (mamta) Master Abeer Singh v Smt. Savita Sharma and others Civil Suit No. . 27 of 2018 31.08.2022 Present: - Mr. Rohit, learned vice counsel for the plaintiff.

Mr. Karun Negi, learned counsel for defendants No. 1 to 5 and 9 to 11.

Mr. Parikshit, learned vice for defendants No. 6 and 7.

Mr. Sunil Dutt Gautam learned vice counsel for defendant No.8 None for , proforma defendants No. 12 and 13/State.

As per report, the summons could not be issued to the witnesses for today as the process fee has been filed on 27.08.2022. Now the process fee has been filed. Let the case be listed before Additional Registrar (Judicial) for fixing the date of plaintiff's evidence.

Paras Doger Registrar (Judicial) 31st August, 2022 (Pritam) Tushar Vashisht vs Satish Kumar Vashisht & Others a/w connected matter.

Civil Suit No. 45 of 2017 a/w C.S. No. 4 of 2019 Present: - Mr. Khem Raj, Advocate, vice Mr. Abhishek Banta, Advocate, for the plaintiff. Mr. Ajay Sharma, Advocate, vice Mr. Peeyush Verma, Advocate, for defendants No. 1 and 2.

Mr. Amit Jamwal, Advocate, for defendant No. 3.

Mr. Ajay Sharma, Advocate, vice Mr. Peeyush Verma, Advocate, for the plaintiff. Mr. Khem Raj, Advocate, vice Mr. Abhishek Banta, Advocate, for defendants No. 1 and 2. Mr. Manoj Sharma, Advocate, vice Mr. Rajeev Chauhan, Advocate, for defendant No. 3.

As per the report, the summons for the plaintiff's evidence for today i.e. 7.9.2022 could not be issued as the steps in this regard have not been taken by the plaintiff. Mr. Khem Raj, learned counsel for the plaintiff, has submitted that they have filed the list of witnesses yesterday. However, the perusal



of the record shows that the same is not on record. The learned counsel for the plaintiff Mr. Khem Raj has submitted that the PF and diet money will be filed within one week for summoning the witnesses. He seeks one more opportunity to do the needful. In view of the submission of the learned counsel for the plaintiff, one more opportunity is granted for doing the needful. Let the steps i.e. PF and diet money be filed within one week and thereafter process be issued for the service of the PWs. Let the case be listed before the Additional Registrar for fixing the date of plaintiff's evidence.

Paras Doger Registrar (Judicial) 7th September, 2022 (vs) Smt. Ganga Devi since deceased through her LRs vs. Smt. Himachali & ors.

PW-1:- Statement of Sh. Mohinder Lal, Reader to Tehsildar, Mandi, District Mandi, H.P. On Oath 12.09.2022 Stated that I am posted as Reader to Tehsildar, Mandi from December, 2019. I have brought the requisitioned record i.e. registered Will of Smt. Ganga Devi, which has been registered on registration number 17/2014, dated 27.01.2014. The Will is Ext. PW1/A (five leaves) (Objected to on the mode of proof). Ext.PW1/A is as per my record. (Original seen and returned).

Xxxxxxxx Cross examination by Shri Sunil Chauhan, Advocate, for the defendants.

This will was not executed and registered in my presence. It is correct that first three leaves of Ext.PW1/A are original, whereas the 4th and 5th page of Ext.PW1/A are the photocopies of the attested copy. It is correct that 4 th and 5th page i.e. Will is not a certified copy from the original. It is correct that the certified copy is issued only after comparing it with the original.

(Paras Doger) Registrar (Judicial) R.O & AC 12th September, 2022 (vs) Smt. Ganga Devi since deceased through her LRs vs. Smt. Himachali & ors.

PW-2:- Statement of Sh. Subhash Chand, Clerk from DC office, Mandi, District Mandi, H.P. On Oath 12.09.2022 Stated that I have been deployed from the SDM office, Mandi to produce the record today vide Authority letter, Ext.P-2. I have brought the requisitioned record i.e. case file pertaining to case No. 77 of 1991 of the proceedings before Land Acquisition Collector, Beas Satluj Link Project. The certified copy of the said file is Ext.PW2/A, having pages from 1 to 32 (Original seen and returned).

Xxxxxxxx Cross examination by Shri Sunil Chauhan, Advocate, for the defendants.

I do not have any personal knowledge about the contents of the above said requisitioned record. It is correct that I never remained in the SDM-cum-LAO, office Mandi. I do not know that whose land was acquired under that proceedings.

(Paras Doger) Registrar (Judicial) R.O & AC 12th September, 2022 (vs) Smt. Ganga Devi since deceased through her LRs vs. Smt. Himachali & ors.

12.09.2022 Present: - Mr. Varun Chauhan, vice Mr. Vivek Sharka, Advocate, for the plaintiffs.

Mr. Sunil Chauhan, Advocates, for the defendants.

The learned vice counsel for the plaintiff have submitted that due to ill health the plaintiff, he could not come today to adduce his evidence. As per Order 18 Rule 3-A CPC, it is the mandate of the law that the plaintiff shall be examined at the first instance before any other witness could be examined. However, the learned vice counsel for the plaintiff have submitted that the witnesses which are required to be examined today are only official witnesses. The learned counsel for the defendants have submitted that since the official witnesses are to be examined today, therefore, he does not have any objection in case they are examined before the plaintiff. Accordingly, the official witnesses i.e. Shri Mohinder Lal and Shri Subhash Chand are examined today. The learned vice counsel for the plaintiff have submitted that he will bring the plaintiff on the next date on his own responsibility.

Let the case be listed before the Additional Registrar(Judicial) for recording the remaining plaintiff's witnesses.

Paras Doger Registrar (Judicial) 12th September, 2022 (vs) Bimla Devi vs. Savita Devi & Anr.

13.09.2022 Present: - Ms. Salochana Rana, Advocate, for the petitioner.

Mr. Mukul Sood, Advocate, for the respondents.

The learned counsel for the parties vide their separate statements have stated that there are chances of amicable settlement between the parties and it will be a futile exercise to record the evidence at this stage. Keeping in view the statements of the learned counsel for the parties, let the matter may be listed in the Court at the earliest and preferably within fortnight. The witness i.e. Smt. Bimla Devi, who is present today is deferred for the abovesaid reason.

Paras Doger Registrar (Judicial) 13th September, 2022 (vs) Bimla Devi vs. Savita Devi & Anr.

Statement of Ms. Salochna Kaundal, learned counsel for the petitioner.

Without oath 13.09.2022 Stated that the offer for amicable settlement has not been opposed by me and the same is accepted to my client.

(Paras Doger) Registrar (Judicial) R.O & AC 13th September, 2022 (vs) Bimla Devi vs. Savita Devi & Anr.

Statement of Mr. Mukul Sood, learned counsel for the respondents/contemnors.

Without oath 13.09.2022 Stated that as per the instructions from my clients they are ready to settle the matter amicably and it may be listed in the Court for settlement of the dispute.

(Paras Doger) Registrar (Judicial) R.O & AC 13th September, 2022 (vs) Jagdish Chand (since deceased ) through LR's Varun Rana & Anr. Vs. Vinod Shandel 16.09.2022 PW-1:- Statement of Sh. Varun Rana s/o late Sh. Jagdish Singh Rana, r/o Dayal House, near IGMCI Boys Hostel, Sanjauli, Shimla, H.P. On Oath 16.09.2022 Stated that my father had entered into an agreement to purchase at village and mauja Chamyana, Kamlanagar, Bhatakufar with Shri Vinod Shandel, defendant on 25.11.2012. The total amount of the consideration for the purchase of flat was Rs. 62,00,000/- (Rupees sixty two lac). The agreement to sell is Ext.PW1/A. My father had paid an earnest money amounting to Rs. 11,00,000/- (rupees eleven lac) for the purchase of said flat to the defendant. The detail of the payment of the earnest money is already mentioned in para-5 of the agreement to sell Ext.PW1/A. Due to the ill health of my father, there was some delay in the payment of second installment amounting to Rs. 24,00,000/- (rupees twenty four lac), however, the same could not be paid subsequently. Thereafter my father and myself tried to contact the defendant but he did not respond. Thereafter the defendant sent a termination letter Ext.PW1/B to my father through registered letter which was received at about 30.5.2013. After receiving the termination letter from the defendant, me and my father personally visited the defendant. My father was ready and willing to execute the sale deed after payment of the balance amount, however, the defendant was reluctant and he straightway refused to execute the sale deed. He also told that our earnest money has been forfeited in lieu of the agreement. Thereafter my father gave notice Ext.PW1/C through our counsel to the defendant for the execution of the sale deed through registered post. The postal receipt and acknowledgement are Ext.PW1/D and Ext.PW1/E, respectively.

Jagdish Chand (since deceased ) through LR's Varun Rana & Anr. Vs. Vinod Shandel My father and me was/is always ready and willing to pay the balance amount and to execute the sale deed but the defendant has not executed the sale deed till date nor refunded the earnest money. Subsequently it came to our knowledge that the defendant had already sold the said flat to somebody else.

XXXXXXX Cross examination by Shri Naresh Gupta, Advocate, for the defendant.

It is correct that agreement to sell Mark 'X' bears my father's signature in red circle Ext.PW1/F. It is incorrect that my father had cancelled the agreement to sell on 5.3.2013 (objected to on the ground of late production and beyond pleadings). It is incorrect that my father had put his signature on Mark 'X' in lieu of the cancellation of the said agreement to sell. It is incorrect that my father had also put his signature on the last page of the agreement Mark 'X' in lieu of the cancellation of the said agreement to sell. It is incorrect that after cancellation of the so called agreement to sell Mark 'X' the same was handed over to defendant by my father. It is incorrect that the first cheque which was issued by my father to the defendant in lieu of the purchase of the said flat was also dishonoured (object to on the ground that this question is beyond pleadings). It is incorrect that the defendant informed the dishonouring of the cheque to my father and thereafter it was subsequently honoured. So far as I remember the last payment in lieu of the agreement was to be made by my father by July 2013. It is incorrect that my father was not having money for payment of balance consideration till 25.7.2013. Self stated that he was possessing sufficient money to be made to defendant Jagdish Chand (since deceased ) through LR's Varun Rana & Anr. Vs. Vinod Shandel and for execution of the sale deed. It is incorrect that since my father was not paying the balance consideration due to which Ext.PW1/B was issued by the defendant. It is correct that the reply to the notice Ext.D-1 was issued

by the defendant to my father. It is incorrect that after the receipt of the Ext.D-1 we did not made any efforts to pay the balance consideration and to execute the sale deed. It is incorrect that my father was never ready and willing to pay the balance consideration as he was not having sufficient money for the said purpose. It is incorrect that I am deposing false.

(Paras Doger) Registrar (Judicial) R.O & AC 16th September, 2022 (vs) Jagdish Chand (since deceased ) through LRs Varun Rana & Anr. Vs. Vinod Shandel Statement of Sh. B.S. Attri, learned counsel for the plaintiff.

Without Oath 16.09.2022 Stated that I do not want to examine PW Dev Raj Kashyap, Senior Associate SBI Secretariat Branch, Shimla and PW Shri Naresh Gupta, Advocate and close the evidence on behalf of the plaintiffs.

(Paras Doger) Registrar (Judicial) R.O & AC 16th September, 2022 (vs) Jagdish Chand (since deceased ) through LRs Varun Rana & Anr. Vs. Vinod Shandel 16.09.2022 Present: - Mr. B.S. Attri, Advocate, for the plaintiffs.

Mr. Naresh Gupta, Advocate, for the defendant.

Statement of plaintiff Shri Varun Rana is recorded. The learned counsel for the plaintiffs vide his separate statement has given up Shri Naresh Gupta, Advocate and Shri Dev Raj Kashyap, Senior Associate, SBI and close the evidence on behalf of the plaintiffs.

Let the steps be taken for summoning the defendant's witness within 15 days and the matter be listed before the Additional Registrar(Judicial) for fixing a date for recording the defendant's evidence.

Paras Doger Registrar (Judicial) 16th September, 2022 (vs) Nikka Ram (Since deceased) through his LRs vs. Luder Chand (since deceased) through Ganga Devi & Ors.

CMP No. 7507 of 2015 in RFA No. 317 of 2008 23.09.2022 Present: - Mr. Gurinder Singh Parmar, Advocate, for the applicants.

Mr. Shorya Sharma, Advocate, vice Mr. Tara Singh Chauhan, Advocate, for the respondents.

The learned counsel for the applicants has stated that he has filed the power of attorney on behalf of the applicants today in the Registry of this Court. The learned counsel for the applicants further vide his separate statement has stated that the contemnor i.e. Kumari Uma Devi had already expired, who has breached the order of the Hon'ble Court, due to which the contempt proceedings are not required to be pursued further by the applicants.

Shri R.S. Verma, Advocate duly appointed as Local Commissioner in the present contempt proceedings, Om Prakash and applicant Prem Chand, (one of the applicant) are present in the court for adducing their evidence. However, due to the statement of the learned counsel for the applicants,

they are not required to be examined, accordingly, all the witnesses are discharged.

Let the matter be listed before the Hon'ble Court for appropriate direction in view of the statement made by the learned counsel for the applicants.

Paras Doger Registrar (Judicial) 23rd September, 2022 (vs) Nikka Ram (Since deceased) through his LRs vs. Luder Chand (since deceased) through Ganga Devi & Ors.

CMP No. 7507 of 2015 in RFA No. 317 of 2008 Statement of Sh. Gurinder Singh Parmar, learned counsel for the applicants.

Without Oath 23.09.2022 Stated that the contemnor i.e. Kumari Uma Devi had already expired, who has breached the order of the Hon'ble Court, due to which the applicants do not want to pursue the present contempt proceedings and also do not want to examine the witnesses present today.

(Paras Doger) Registrar (Judicial) R.O & AC 23rd September, 2022 (vs) Civil Suit 113 of 11.10.2022 Present: - Mr. Ajay Kumar Sood, Senior Advocate with Mr. Rohit, Advocate, for the plaintiffs.

Mr. Bhupender Gupta, Senior Advocate with Mr. Ajit Jaswal, Advocate for defendant, namely Mira Bindra.

Mr. Amit Sharma, Advocate, for defendants, namely Surjit Kaur, Udaibir Singh Sodhi, Sukhbir Singh, Kumari Manreet Kaur and Manbir Singh.

Shri S.C. Sharma, Senior Advocate with Mr. Arvind Negi, Advocate for defendants namely Abma Parsad Kalia and Sanjiv Kumar Kalia.

Statement of PW-1 Shri Joginder Lal, is recorded. Shri Padam Parkash Sharma, Kanungo from the Department of Relief and Rehabilitation, Shimla Govt. of Himachal Pradesh, is present today but he has submitted that he has not brought the entire record requisitioned today inadvertently. Due to non-availability of the record today with the concerned witness, he could not be examined, accordingly, he is discharged for today.

As per the report of the concerned Dealing Assistant, the witness at Sr. No.4, is served, however, he did not put his appearance for adducing his evidence. Let the bailable warrants to the tune of Rs.1000/- with one surety in the like amount be issued against him. Fresh summons be issued for service of the witness at Sr. No.4 and the witness at Sr. No.1 be also summoned for the date which is to be fixed by the Additional Registrar (Judicial).

From the perusal of record, it appears that there is some mistake in the amended memo of parties, hence the matter first be listed in the Court for appropriate orders.

Paras Doger Registrar (Judicial) 11th October, 2022 (Pritam) PW-1: Statement of Sh. Joginder Lal, Senior Assistant, Record Room, High Court of Himachal Pradesh, Shimla.

On Oath 11.10.2022 Stated that I have brought the summoned record of CWP No. 6304 of 2011. Ex. PW/A is the certified copy of the above said Writ Petition (original record seen and returned).

xxxxx By Shri Bhupender Gupta, Senior Advocate with Shri Ajit Jaswal, Advocate for defendant, namely Mira Bindra.

As per record, the above said writ petition was dismissed on 08.03.2017.

xxxxx By Mr. Amit Sharma, Advocate, for defendants namely Surjit Kaur, Udaibir Singh Sodhi, Sukhbir Singh, Manreet Kaur and Manbir Singh.

Opportunity given-nil.

xxxxx By Mr. S.C. Sharma, Senior Advocate, with Mr. Arvind Negi, Advocate for defendants, namely Abma Parsad Kalia and Sanjiv Kumar Kalia.

Opportunity given-nil.

R.O & AC (Paras Doger) Registrar (Judicial) 11th October, 2022 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 AW-2: Statement of Sh. Rohit S/o Shri Naresh Kumar, Village Tadoli, P.O. Saru, Pargana Udaipur, Tehsil and District Chamba, H.P. On Oath 14.10.2022 Stated that I am permanent resident of above stated address. Both the parties to this lis are personally known to me. On 04.11.2019, at about 7-8 a.m., I was going to buy the milk from the market. When I reached near to the house of Kaushlya Devi, then I saw that some verbal wrangle was going on between the family of Kaushlya Devi and Ashok Kumar. I heard that Ashok Kumar was requesting Kaushlya Devi to stop the construction work, which was going on the spot as she herself has taken the stay from the Hon'ble High Court of Himachal Pradesh. I am aware about the cause of dispute between the above said parties. Both the parties have land dispute. Both the Courts below at Chamba had given the judgment in favour of the father of Ashok Kumar, namely Dumnu Ram. In spite of the request by Ashok Kumar to stop the construction work by Kaushlya Devi, she did not adhere to the request of Ashok Kumar and told Ashok Kumar that she can do whatever and she did not bother about the stay from the Hon'ble High Court of Himachal Pradesh. Kaushlya Devi was fixing railing on the disputed land and was laying the land on CMP No. 16020 of 2019 in RSA No. 223 of 2014 the empty land adjacent to the road. At that time Shri Bal Krishan, Anirudh and Tushar Sharma (son of Ashok) were also present. On the spot Tushar Sharma clicked the photographs on that day, which are marked as A-2 to A-6. Kaushlya did not stop the work on the spot, however, on the next day Ashok Kumar told me that he had lodged a Report in Daradha Police Post. Three sons of Kaushlya Devi are serving in Indian Army.

xxxxx By Shri Ajay Sood, Senior Advocate with Shri Rohit, Advocate for respondent/non- applicant.

Stated that I am working as labourer at my native place. I was told by Ashok Kumar that his Khasra No. 1133 and adjacent Kharaa No. also belongs to him. I am not aware about the Khasra Number of my house.

Today, I have come to Shimla with Ashok Kumar. Again stated that my house is on Khasra No. 1199/1200. I have not brought any proof regarding Khasra Number of my house. I have not read the documents pertaining to the case of the parties. As per my knowledge the Hon'ble High Court has granted status quo order since 2016. I am not aware the month and the year in which Kaushlya Devi had filed the appeal in the Hon'ble High Court of Himachal Pradesh. I am not aware that an FIR was registered against Ashok Kumar with respect to the quarrel which had taken place on that day. I am also not CMP No. 16020 of 2019 in RSA No. 223 of 2014 aware that one criminal case is pending adjudication at Chamba Court against Ashok Kumar pertaining to that quarrel. The lental which is visible in photographs mark A-2 to A-6 about 8 to 10 years old. I am not aware as to how old the house which is visible in the photograph. The railing on the lental was fixed by Kaushlya Devi on 04.11.2019. I am not aware about the Khasra No. on which the construction appears to have been done in photographs mark A-3. The additional lental adjacent to the road is about 5-6 feet. I am graduate. I am not aware the date on which the Dussehra and Diwali festivals fell in the year 2019. It is correct that I have visiting terms in the house of Ashok Kumar but Ashok Kumar did not disclosed about the FIR against him qua that quarrel. I cannot say that the house of Kaushlya Devi had been constructed in the year 2000. It is correct that the house of Kaushlya is adjacent to the road. It is correct that the people can come on the lental from the road to the house of Kaushlya Devi. It is correct that she had affixed the railing to prevent the general public from coming on to the lental.

R.O & AC (Paras Doger) Registrar (Judicial) 14th October, 2022 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 Statement of Sh. Karan Sharma, learned counsel for the applicants.

Without Oath 14.10.2022 Stated that I do not want to examine Shri Anirudh Kumar, being repetitive in nature and given him up.

R.O & AC (Paras Doger) Registrar (Judicial) 14th October, 2022 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 14.10.2022 Present: - Mr. Anand Sharma, Senior Advocate with Mr. Karan Sharma, Advocate for the applicants.

Mr. Ajay Kumar Sood, Senior Advocate with Mr. Rohit, Advocate, for the non-applicant.

Statement of Shri Rohit as AW-2, is recorded.

Learned counsel for the applicant vide his separate statement has given up AW-3, namely Shri Anirudh, present in the Court today.

Learned counsel for the applicant has submitted that he wants adduce some additional evidence for which he will move the appropriate application before the Court.

Let the matter be listed in the Court for appropriate orders.

Paras Doger Registrar (Judicial) 14th October, 2022 (Pritam) and 116 of 2008, 13 and 29 of 2009.

20.10.2022 Civil Suit No. 116 of 2008 Present: - Mr. Romesh Verma, Advocate, for the plaintiffs.

Shri Rajat Chauhan, Law Officer for Shri Bhisham Sharma, Advocate vice Mr. Inderjeet Singh Narwal, Advocate, for defendant No. 3 and 4.

Shri Paras Dhaulta, Advocate, vice Mr. Sunil Mohan Goel, for defendant No.5.

Mr. M.S. Katoch, Advocate, for the plaintiff.

Shri Rajat Chauhan, Law Officer for defendant No. 1, 2 and 5.

Shri Bhisham Sharma, Advocate vice Mr. Inderjeet Singh Narwal, Advocate for defendants No. 3 and 4.

Shri Paras Dhaulta, Advocate, vice Mr. Sunil Mohan Goel, Advocate, for defendant No.6.

None for defendant No.7.

Mr. M.S. Katoch, Advocate, for the plaintiff.

Shri Rajat Chauhan, Law Officer for defendant No. 1, 2 and 5.

Shri Bhisham Sharma, Advocate vice Mr. Inderjeet Singh Narwal, Advocate for defendants No. 3 and 4.

Shri Paras Dhaulta, Advocate, vice Mr. Sunil Mohan Goel, for defendant No.6.

Mr. M.S. Katoch, Advocate, for the plaintiff.

Shri Rajat Chauhan, Law Officer for defendant No. 1, 2 and 5.

Shri Bhisham Sharma, Advocate vice Mr. Inderjeet Singh Narwal, Advocate, for defendants No. 3 and 4.

Ms. Meera Devi, Advocate, for defendant No.6.

Shri Paras Dhaulta, Advocate, vice Mr. Sunil Mohan Goel, for defendant No.7.

Mr. M.S. Katoch, Advocate, for the plaintiff.

Shri Rajat Chauhan, Law Officer for Shri Bhisham Sharma, Advocate vice Mr. Inder Jeet Singh Narwal, Advocate, for defendants No. 3 and 4.

Shri Paras Dhaulta, Advocate, vice Mr. Sunil Mohan Goel, for defendant No.6.



As per office report steps for summoning DWs have not been taken due to which summons could not be issued to the DWs. Learned Law Officer representing the State of Himachal Pradesh, seeks opportunity to do the needful for the service of defendants witnesses. Accordingly, one more opportunity is granted in the interest of justice.

Let the steps be taken within three weeks, thereafter process be issued for the service of DWs returnable for the date fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 20th October, 2022 (Pritam) 27.10.2022 Present:

Mr. P.P. Chauhan, Advocate, for the plaintiff. Ms. Jyoti Dogra, Advocate vice Mr. Vijender Katoch for defendants.

As per office report the summons issued for service of PW-1 to PW-3, are still awaited. No PWs are present today.

Learned counsel for the defendants has submitted that the original counsel has to come from Delhi for cross examination of the witnesses. Therefore, she seeks adjournment for today.

Learned counsel for the plaintiff has not objected to the requested of learned counsel for the defendant.

Learned counsel for the plaintiff submits that he will produce the plaintiff for adducing his evidence on the next date of hearing on self responsibility. Since the summons issued for the service of PW-1 to PW-3 are still awaited, therefore, let fresh summons be issued for their service on old PF on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 27th October, 2022 (Pritam) PW-5: Statement of Sh. Ishwar Singh S/o Smt. Sundru Devi D/o Late Shri Sidhu Khalwara, aged about 80 years R/o village Bagla, P.o. Barsu, Tehsil Balh, District Mandi, Himachal Pradesh.

On Oath 02.11.2022 Stated that I am agriculturist by occupation. Late Shri Sidhu Khalwara was my maternal father (Nana ji). He was Freedom Fighter. The land of my Nana ji, was confiscated by the British Government since he was Freedom Fighter and after Independence, Government was asked either to handover the said land or to provide compensation to my Nana Ji. On my mother being legal heir of my Nana Ji, they asked from the Government for return of the land. However, government has not provided the land or the compensation. Therefore, my mother and my massi (Laxmi Devi) being legal heirs of my my Nani Ji, were constrained to file a Civil Suit No. 27 of 1998, in the Court of learned Senior Sub Judge Mandi, which was decided on 05.03.2003, whereby the suit for declaration and mandatory injunction was decreed by the Court. The certified copy of the judgment dated 05.03.2003 is Ex.

PW5/A. Thereafter, the said judgment Ex. PW5/A was challenged by the State Government before the appellate Court and vide judgment dated 07.10.2004, the said appeal was dismissed. Certified copy of the said judgment of the appellate Court is Ex.PW5/B. The judgment PW5/B of the appellate Court was again challenged before the Hon'ble High Court of H.P. by way of Regular Second Appeal No. 5 of 2005, which was also dismissed on 29.09.2008. Certified copy of judgment in RSA No. 5 of 2005, is Ex.PW5/C. Upon filing of the Execution Petition before the learned trial Court, the State Government has provided only a compensation for an amount of Rs.43,90,768/- to the decree holders and balance amount of Rs.17,80,611/-

has been ordered to be refunded in favour of the State Government. The order in the Execution Petition was assailed before the Hon'ble High Court by way of CMPMO No. 138 of 2011, and vide order dated 25.08.2011, the Hon'ble High Court disposed the said petition by observing that the plaintiffs shall file separate suit for quantification of the market value of the said land of those Mohals. The certified copy of the order dated 25.08.2011, in CMPMO No. 138 of 2011, is Ex. PW5/D. Thereafter, in compliance to order in CMPMO No. 138 of 2011, the plaintiff filed the present Civil Suit for quantification and accordingly, the market value of the land in question of those Mohals. The copy of award passed for the adjoining land is also appended alongwith the present suit. Copy of market value of Mohal Bharol, for the year 2008-2009, is Ex.PW4/A and the copy of the market value of Mohal Palyani for the year 2008-2009, is Ex.PW4/B. I have also placed on record the copy of market value of Mohal Daundhi for the year 2008-2009, is Ex. PW4/C. Copy of the market value of Mohal Nagchala for the year 2008- 2009, is Ex PW3/A. Certified copy of the market value of Mohla Daundhi, for the year 2002-2003, is Ex.PW2/A. Market value of Mohal Bharol for the year 2002-2003, is Ex.PW2/B and market value of Mohal Palyani for the year 2002-2003, Ex. PW2/C. The market value of Mohal Bagla for the year 2002- 2003, is Ex.PW2/D. Copy of market value for the Mohal Nagchala for the year 2002-2003, is Ex. PW1/A. I have also annexed the copy of award passed by Land Acquisition Officer (NHAI), Bilaspur, dated 05.07.2013, for village Nagchala, Hadbast No. 219, Tehsil Sadar, District Mandi, which is Ex PW5/E, for the comparison/ quantification of the similarly situated land. I have also appended the photocopy of the circle rates of land for the period 01.04.2014 to 31.03.2015, which also includes Mohals Bagla, Bharol, Nagchala and Palyani and the copy of the same is Mark P. Photocopy of the enhanced ex-gratia relief for death or damaged residential/ industrial properties during 1984 riots for Mandi district has also been annexed as Mark P1 for the comparison/ quantification of the land.

The compensation granted in lieu of the acquisition of the land to us is less in comparison to the lands acquired in the similarly situated Mohals during that period.

xxxxx By Shriayek Sharda, Senior Assistant Advocate General for defendants.

Stated that I have not annexed any document pertaining to prove the fact that my Nana Ji was Freedom Fighter. I have obtained the copies of the market value from the concerned department. It is incorrect that I have been duly compensated on account of the then market value of the land. It is incorrect that due to the subsequent inflation of the prices of the land in that Mohals, I have filed a false case to grave more compensation. Self stated that I have filed the present suit in compliance of

the direction in CMPMO No. 138 of 2011. It is incorrect that I am deposing falsely.

R.O & AC (Paras Doger) Registrar (Judicial) 2nd November, 2022 (Pritam) Statement of Ms. Nishi Goel, learned counsel for the plaintiffs.

Without Oath 02.11.2022 Stated that I do not want to examine the other plaintiff Smt. Laxmi Devi, being repetitive in nature. I also close the evidence on behalf of the plaintiffs.

R.O & AC (Paras Doger) Registrar (Judicial) 2nd November, 2022 (Pritam) Civil Suit 28 of 2014 02.11.2022 Present:

Mr. Ms. Nishi Goel, Advocate, for the plaintiffs.

Mr. Shreyak Sharda, Senior Assistant Advocate General for the defendants. Statement of Shri Ishwar Singh (Plaintiff) is record. Learned counsel for the plaintiffs vide her separate statement has given up the other plaintiff Smt. Laxmi Devi and close the evidence on behalf of the plaintiffs.

Learned Senior Assistant Advocate General, seeks time to take steps for defendants evidence. Let the same be taken within three weeks. Thereafter, the matter be listed before the Additional Registrar (Judicial) for the fixing the date of defendants evidence.

The perusal of the case file shows that a suit for recovery of Rs.15,00,00,000/- (Rs. Fifteen crores) has been filed by the plaintiffs, however, the order dated 02.01.2015, shows that while framing of issue No.1, an amount of Rs.15,00,000/- (Rs. Fifteen lacs) has been written inadvertently due to typographical mistake.

Learned counsel for the plaintiffs has submitted that the correction is required to be made in the issue No.1.

Civil Suit 28 of 2014 Therefore, let the matter be listed in the Court for appropriate orders within a week.

Paras Doger Registrar (Judicial) 27th October, 2022 (Pritam) DW-1: Statement of Sh. B.S. Kapoor, Regional Manager (Retd.), The New India Insurance Company, R/o Village Badah, P.O. Mohal, Tehsil & District Kullu, Himachal Pradesh.

On Oath 28.11.2022 In the year 2011-2012, I was working as Senior Branch Manager, Kullu. The plaintiff has taken the Insurance pertaining to their Hydro Electric Power Project from the defendants, which was valid w.e.f. 04.03.2012 to 03.03.2013. The same are Ex.

PW1/B to PW1/E. During the validity of the above said Insurance Policies, due to massive rock/land slide, the plaintiff company sustained loss. Due to the loss, the plaintiffs raised their claim before the

Insurance Company and the Branch Office at Kullu of the Insurance Company forwarded the claim of the plaintiff to Regional Office at Chandigarh for deputing the Surveyors to assess the loss of the plaintiff/ Company. Thereafter, the Head Office of the Insurance Company appointed two Surveyors to assess the loss of the plaintiff. Thereafter, concerned surveyor submitted their reports before the Head Office.

xxxxx By Shri Ajay Vaidya, Advocate for the Plaintiff.

I am not aware about the outcome of the reports of the Surveyors.

R.O & AC (Paras Doger) Registrar (Judicial) 28th November, 2022 (Pritam) DW-2: Statement of Sh. Pramod Kumar, Senior Divisional Manager, Divisional Office Hamirpur.

On oath 28.11.2022 In the year 2013, I was posted as Branch Manager, Branch Office Kullu. The loss of the plaintiff were assessed by the independent professional Surveyors of the Company duly authorized and licensed by Insurance Regulatory and Development Authority of India. There were two losses reported under Slandered Fire and Special Peril policy and business interruptions (fire loss of profit policy). The loss under Slandered Fire and Special Peril Policy was processed and settled as per the recommendation and assessment independent professional Surveyor firm namely Marulkar & Company and loss reported under Fire Loss Profit policy was processed and settled as per the recommendation and assessment of independent professional Surveyor firm M/s S. Soni & Company.

Further, the losses were assessed and recommended as per policy terms and condition, scope and coverage. The Insurance Company fully agreed with their assessment and recommendation. The final Surveyor report of S. Soni and Company is Ex. DW2/A (27 leaves). Thereafter, addendum report was filed by the Surveyor S. Soni & Company. The final Survey report Ex. DW2/B, was filed by Marulkar & Company qua the loss sustained by the plaintiff (23 leaves).

xxxxx By Shri Ajay Vaidya, learned Advocate for plaintiff.

I am working in the New India Insurance Co. since July 2005. My education qualification is B.E. in Computer Sciences and diploma in Fellowship in General Insurance. Today, I have not brought any record pertaining to this case. I have gone through the reports submitted by the Surveyor qua the loss sustained by the plaintiff. I do not remember the exact claim of the plaintiff, which was submitted before the Insurance Company. Self stated that the loss was not happened to the plaintiff during my tenure as Branch Manager Kullu. I do not remember the exact amount assessed by the Surveyor, however, it was about One Crore Seventeen Lacs for the loss under Slandered Fire and Special Peril Policy and about 78 lacs for the loss under Fire Loss of Profit Policy. I do not remember what was the indemnity period in that Insurance Policy. Self stated that I do not remember the indemnity period which was allowed by the Surveyor in his report since the claim was settled eight years back. After completion of the stage one deployment, the plaintiff have achieved the optimum production as per the Surveyor report. I do not remember the date and moth on which the Plaintiff Company had obtained the optimum production. I have not seen any addendum report in the

documents filed by the defendants. However, the same has been placed on record by the plaintiff itself as Ex. PW1/H. I have also gone through the addendum report Ex. PW1/H at the time of processing of the claim. In the addendum report the Surveyor had assessed an amount about Rs.

5,30,000/-. It is incorrect that I am deposing false and without any basis.

R.O & AC (Paras Doger) Registrar (Judicial) 28th November, 2022 (Pritam) Civil Suit 27 of 2016  
28.11.2022 Present:-

Shri Ajay Vaidya, Advocate for the plaintiff. Shri B.M. Chauhan, Senior Advocate with Shri Amit Himalvi, Advocate for the defendants.

Statement of Shri B.S. Kapoor and Pramod Kumar are recorded. Learned counsel for the defendants has submitted that the process be issued for the services of remaining DWs. The learned counsel for the defendants have submitted vide his separate statement that he do not want to examine DW mentioned at Sl. No.4, namely Shri Harjeet Singh, Senior Divisional Manager New India Insurance Company.

Let the steps be taken within a week, thereafter process be issued for the service of the DW at Sl. Nos. 3, mentioned in the list of witnesses on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 28th November, 2022 (Pritam) Statement of Shri Amit Himalvi, learned counsel for the defendants.

Without Oath 28.11.2022 Stated that the defendants do not want to examine witness Shri Harjeet Singh, mentioned at Sl.

No.4, of the list of witness and give him up.

Paras Doger Registrar (Judicial) 28th November, 2022 (Pritam) Civil Suit 47 of 2009 30.11.2022  
Present:

Shri Ajay Kumar, Sr. Advocate with Shri Rohit for the plaintiff.

Shri Pranjal Munjal, learned vice counsel for defendant No.1.

Shri Ashok Sood, Sr. Advocate with Shri Khem Raj, Advocate for defendant No.2.

Learned vice counsel for defendant No.1, has submitted that Mr. Parveen Garg, Director of the Company i.e. defendant No.1, is not present as he was informed by the learned counsel for defendant No.1, that he will not be available today in the Court due to some personal reasons. Learned vice counsel seeks adjournment. The request of the learned vice counsel for the defendant No.1, is not opposed by the learned

counsel for the opposite parties.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date of evidence of defendant No.1. Additional Registrar (Judicial) is requested to fix short date as the evidence of defendant No. 1, is prolonged for one reason or the other from the year 2014.

Paras Doger Registrar (Judicial) 30th November, 2022 (Pritam) RSA No, 149 of 2016  
08.12.2022 Present:

Shri Janesh Gupta, Advocate, for the applicant/appellant.

Shri Rahul Singh Verma, learned vice counsel for respondents No.1 to 10. None for the respondents-State.

As per office report, steps i.e., process fee, list of witnesses, road and diet money have not been filed by the applicant/appellant. Learned counsel for the applicant/appellant seeks more time for taking the steps.

Let the steps be taken within fifteen days positively and the matter be listed before the Additional Registrar (Judicial) for fixing the date of evidence of the applicant/appellant.

Paras Doger Registrar (Judicial) 8th December, 2022 (Pritam) CMP(M) 1631 of 2019  
09.12.2022 Present:

Shri Dibender Gosh, Advocate, vice Shri Parmod Kumar, Advocate, for the applicant.

Ms. Tanu Chauhan, Advocate vice Mr. R.R. Rahi, Advocate, respondents No.1 to 5.  
Shri Virender Chauhan, Advocate, vice Mr. Shashi Shirshoo, Advocate, for respondents No. 6 and 7.

As per office report, steps for evidence on behalf of respondents No. 6 and 7, has not been taken.

Learned vice counsel for respondents No. 6 and 7, seeks some more time for taking the steps.

Let steps be taken within fifteen days.

Thereafter, the matter be listed before Additional Registrar (Judicial) for fixing the date of evidence on behalf of respondents No. 6 and 7.

Paras Doger Registrar (Judicial) 9th December, 2022 (Pritam) PW-1: Statement of Sh. Pramod Kumar, Senior Divisional Manager, Divisional Office Hamirpur.

On oath 12.12.2022 In the year 2013, I was posted as Branch Manager, Branch Office Kullu. The loss of the plaintiff were assessed by the independent professional Surveyors of the Company duly authorized and licensed by Insurance Regulatory and Development Authority of India. There were two losses reported under Slandered Fire and Special Peril policy and business interruptions (fire loss of profit policy). The loss under Slandered Fire and Special Peril Policy was processed and settled as per the recommendation and assessment independent professional Surveyor firm namely Marulkar & Company and loss reported under Fire Loss Profit policy was processed and settled as per the recommendation and assessment of independent professional Surveyor firm M/s S. Soni & Company.

Further, the losses were assessed and recommended as per policy terms and condition, scope and coverage. The Insurance Company fully agreed with their assessment and recommendation. The final Surveyor report of S. Soni and Company is Ex. DW2/A (27 leaves). Thereafter, addendum report was filed by the Surveyor S. Soni & Company. The final Survey report Ex. DW2/B, was filed by Marulkar & Company qua the loss sustained by the plaintiff (23 leaves).

xxxxx By Shri Ajay Vaidya, learned Advocate for plaintiff.

I am working in the New India Insurance Co. since July 2005. My education qualification is B.E. in Computer Sciences and diploma in Fellowship in General Insurance. Today, I have not brought any record pertaining to this case. I have gone through the reports submitted by the Surveyor qua the loss sustained by the plaintiff. I do not remember the exact claim of the plaintiff, which was submitted before the Insurance Company. Self stated that the loss was not happened to the plaintiff during my tenure as Branch Manager Kullu. I do not remember the exact amount assessed by the Surveyor, however, it was about One Crore Seventeen Lacs for the loss under Slandered Fire and Special Peril Policy and about 78 lacs for the loss under Fire Loss of Profit Policy. I do not remember what was the indemnity period in that Insurance Policy. Self stated that I do not remember the indemnity period which was allowed by the Surveyor in his report since the claim was settled eight years back. After completion of the stage one deployment, the plaintiff have achieved the optimum production as per the Surveyor report. I do not remember the date and moth on which the Plaintiff Company had obtained the optimum production. I have not seen any addendum report in the documents filed by the defendants. However, the same has been placed on record by the plaintiff itself as Ex. PW1/H. I have also gone through the addendum report Ex. PW1/H at the time of processing of the claim. In the addendum report the Surveyor had assessed an amount about Rs.

5,30,000/-. It is incorrect that I am deposing false and without any basis.

R.O & AC (Paras Doger) Registrar (Judicial) 12th December, 2022 (Pritam) 12.12.2022 Present:

Shri Anand Sharma, Senior Advocate with Shri Karan Sharma, Advocate, for the plaintiff.

Shri Debinder Gosh, Advocate, for the defendants.

As per office report, summons issued to PW- 1 in the list of witnesses has been received back with effective service, however, none appeared despite effective service of PW-1. The summons issued to PW-2 and 3, are still awaited. The plaintiff and her GPA are present in person today.

Learned counsel for the plaintiff has submitted that firstly he wants to examine the official witnesses, which are mentioned at Sl. No. 1 to 9, in the list of witnesses before examination of the plaintiff and her GPA.

Learned counsel for the defendant has raised the objection that the case is to be opened either by the plaintiff or by her GPA and the other witnesses cannot be examined without the examination of the plaintiff and her GPA or without taking the permission from the Hon'ble Court under order 18 Rule 3A of CPC.

Learned counsel for the plaintiff has submitted that he will move appropriate application for examination of the other witnesses earlier to the plaintiff and her GPA.

Since the objection has been raised by the learned counsel for the defendants qua examination of the plaintiff and her GPA at the later stage, therefore, the matter is required to be listed before the Hon'ble Court for appropriate orders.

Let the case be listed before the Hon'ble Court after filing of the appropriate application by the plaintiff for taking permission regarding examination of the official witnesses at the first instance.

Paras Doger Registrar (Judicial) 12th December, 2022 (Pritam) 20.12.2022 Present:

Shri Ram Lal Thakur (Petitioner in person) alongwith Shri Ajay Sharma, Advocate.

The petition and its accompanying documents has been scrutinize under my personal supervision and the same has been found in order. The petition is also accompanying the receipt of security costs and the same is annexed with the petition. The petition is also within limitation. Be processed further as per Rules.

Paras Doger Registrar (Judicial) 20th December, 2022 (Pritam) Civil Suit 47 of 2009

21.12.2022 Present:

Shri Ajay Kumar, Sr. Advocate with Shri Rohit for the plaintiff.



Shri Pranjal Munjal, learned vice counsel for defendant No.1.

Shri Ashok Sood, Sr. Advocate with Shri Khem Raj, Advocate for defendant No.2.

Learned vice counsel for defendant No.1, has submitted that defendant No.1 is not in contact with his counsel and despite efforts the whereabouts of defendant No.1, could not be ascertained. Therefore, he is not available for adducing his evidence today.

A perusal of the case file shows that the matter is fixed for recording statement of defendant No.1, since 2014 and the same is prolonged for one reason or the other since then.

Therefore, the matter be listed in the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 21st December, 2022 (Pritam) CIVIL SUIT NO. 11 OF 2016 PW-5: Statement of Sh. Satish Kumar son of Sh. Ramesh Singh Mehta, aged 48 years, resident of Verma Apartment, Block No.D, Near Bear Khana, Khalini, District Shimla 171001.

On oath 27.12.2022 I am sole Proprietor of the plaintiff's firm having its office mentioned in the memo of parties of the plaint. I was working as fruits and vegetables commission agent from the year 2011 to 2017 at Ekantwari, Narkanda, District Shimla, H.P.. The defendants No. 2 to 6 had formed a Private Ltd.

Company in the name of Shri Tara Business Group Private Limited Company. They were directors of the said company and they were actively participating in the business of the said firm. The Defendant No.1 was having its office at Thakur Vatika, Khalini, Shimla and registered office at House No.C-4, New Verma Apartment Dayton Bear Khana, P.S. Chotta Shimla. In the month of July, 2012, the defendants No. 2 to 6 contacted me for doing the fruit business with them and they requested me to associate with them in the said business. The meeting was conducted in presence of all the Directors in the office at Khalini, Shimla, H.P. The defendants had orally agreed that after the supply of apple on credit basis to them, they will make the payment within 15 days after the receipt of the consignment. I have supplied the apple consignment to the defendants from month of August, 2012 to October, 2012. The record pertaining to supply of the apple crop is Ext. PW-5/A (three leaves). The defendants' company make the payment on different dates for an amount of Rs.1,68,10,000/-, the detail of which is Ext. PW-5/B. I received the last payment from the defendants' company on 22.05.2013. The statement of the accounts pertaining to the amount of the total apple purchased by the defendants' company and total payment received from them by me as well as the balance payment thereof is Ext. PW-5/C, which bears my signature in red circle "A". As per the statement, the balance payment, which is required to be paid by the defendants' company is Rs.3,22,70,459/- and in order to pay the remaining amount the defendants have issued 7 cheques amounting to Rs.30,00,000/- (Rupees Thirty Lac) each. I presented the above said 7 cheques in the bank and all of them were dishonored. Out of which, I filed four complaints for the dishonoring of the four cheques, which are pending adjudication in the District Courts at Shimla. The amount of

the aforesaid dishonored cheques has not been claimed by me in the present suit. I could not file the complaint for the three remaining dishonored cheques as the defendants have assured me that they will make the payment but when they did not make the payment, by that time, the time for filing the complaint had expired. The cheques against which no complaints were filed are Ext.PW-2/A to PW-2/C. Those cheques were signed by defendant No.2. The return memo of aforesaid cheques are Ext. PW-2/D to PW-

2/F. I have supplied 36,952 apple boxes to the defendants' company through various trucks, which were sent to Sector 26, Transport Area, Chandigarh, and the same were used to be received by defendant No.2 or his agents. The relevant Challan copies /Bilties are Ext. PW-5/D-1 to PW-5/D-81. I have also annexed photocopies of the sale proceeds/bill book sent to the defendants' company, which is Mark-A ( 143 leaves). The original bill book of the sale proceeds pertaining to Mark-A has been stolen. I have lodged a report regarding the stealing of the bill book at Police Station New Shimla, on 15.04.2014, the copy of the complaint is Mark-B and copy of the DDR bearing G.D. Entry No.12(A), dated 15.04.2014 is Mark-C. I have also made a complaint of cheating against the Company and its Directors in Police Station New Shimla, on 14.03.2014 which is Ext.PW-

5/E (4 leaves). When the SHO, New Shimla did not lodge an F.I.R. on my complaint then I made a complaint Ext.PW-5/F to S.P.Shimla, and on the direction, of the S.P. Shimla, SHO Police Station New Shimla, lodged an F.I.R.Ext.PW-4/B. After the investigation the police had sent the cancellation report, which is pending adjudication in the Court. I had sent the last consignment to the defendants on 3.10.2012. Despite repeated requests by me and the assurance by the defendants, the defendants did not make any payment to me due to which I was constrained to file the present civil suit. I have also annexed copy of the application form under Section 40 of Himachal Pradesh Agriculture and Horticulture Produce (Marketing, Development and Regulations) Act, 2005 for the renewal of my Registration No.APMC/S&K-04/RMP-113/2011, which is Mark-D. The copy of Registration number of the defendants' company and the details of the Directors at the time of registration is Ext.PW-1/G. My suit amounting to Rs.2,10,70,459/- shall be decreed alongiwth interest in my favour with costs.

xxxxx By Sh. Jeevesh Sharma and Sh. M.S.Thakur learned Advocates for defendants No.1 to 4xxx I was in the business of fruit and vegetable selling from the year 2011. It is correct that the business pertaining to sale and purchase of the vegetables and fruits is governed by the Marketing Board in the State and in local level, it is governed by the Marketing Committees. It is incorrect that in the year 2012, I was not having license to do the business pertaining to selling of the fruits and vegetables. Self stated that I have annexed the document pertaining to my license which is Mark-D. It is correct that as per the APMC Rules, the vender has to maintain the register pertaining to the sale and purchase of the fruits and vegetables. It is correct that the daily return of sale and purchase of the vegetables and fruits are required to be made in the specific form supplied by the APMC and the same is verified by the APMC officials from time to time. Self stated that the entire forms are ultimately submitted to the office of APMC at the end of the Financial Year. It is correct that in the above said register the details pertaining to the vendee and the quantity of the consignment is also required to be mentioned. It is correct that 1% of the sale proceeds is required to be deposited with the APMC as marketing fee. I have not annexed with my suit any document pertaining to the fee

deposited by me with the APMC for the year 2012-13. I do not remember how much fees had been deposited by me in the said year with the APMC. It is correct that on the deposit of marketing fee the receipt is issued by the APMC.

During the apple crop season, the transportation of the consignments were done on the basis of availability of the trucks at that particular time. Generally the bill books are sometimes in duplicate or in triplicate. The Bill book Ex.PW-5/D-1 to Ex.PW-5/D-81 is in triplicate form. It is correct that out of the three copies one is retained by the consigner, one is sent to the consignee and one is given to the transporter and the transporter after getting the receipt on his copy from the consignee, returns the same back to the consigner.

Self stated that as per our system one copy of the challan was given to the transporter and the copy of the sale proceeds/bill book were sent to the consignee.

It is correct that on Ext.PW-5/D-1 to PW-5/D-81 or Mark-A, there is no endorsement qua the receipt of the consignment by any of the defendants. Self stated that in our instance when the consignment reaches the consignee he used to confirm through telephone qua the receipt of the consignment. I have not placed on the record copy of the transporter bilty with my suit.

Self stated that the bilty issued by me to the transporter, who randomly come to us for taking the consignment. The challan books of which is Ext.

PW-5/D-1 to PW-5/D-81 are used to be prepared date wise as per the consignment. Challan No.401 pertains to date 26.09.2011. It is correct that there is no date in Challan No.601 and the date of Challan No. 602 is 07.08.2012. The date of Challan No. 605 is 13.08.2012 and the date of challan No. 606 is 13.08.2012 and thatof Challan No. 607 is 08.08.2012.

It is incorrect that the challan book has not been prepared date wise. It is incorrect that due to the variation in the dates on the challan numbers, the challan book has been made on the basis of suitability.

It is correct that Ext. PW-5/A to Ex.PW-5/C, no date has been mentioned. Self stated that the aforesaid documents were prepared after the finishing of the apple season. It is incorrect that Ext. PW-5/A to PW-

5/C have been prepared falsely and without any basis.

It is incorrect that the turnover of the business is to be verified from the CA. Self stated that the turnover of the entire business could be verified from the fee deposited with the APMC. It is incorrect that while dealing with the defendants' Company and defendant No.2, initially I took 10 cheques from defendant No.2 as security cheques. It is correct that the signatures on the cheques and writing on the body of cheques are with different pens. Self stated that the cheques were filled by defendant No.2. It is incorrect that the amount has been written by me on the blank cheques.

It is incorrect that I have supplied 12,656 boxes to the defendants' company and the amount of the said boxes was Rs.1,68,10,000/- which has been duly received by me. It is incorrect that I have misused the blank security cheques of defendant No.2. It is incorrect that I have not supplied 36,952 boxes to the defendants. It is incorrect that I am not entitled to any outstanding amount as claimed in the suit from the defendants. It is incorrect that I am deposing falsely.

xxx Sh. Peeyush Verma Advocate, for defendants No. 5 and 6 xxx It is incorrect that the defendants No. 5 and 6 never came in contact with me nor any agreement was done with them by me. It is incorrect that I cannot identify the defendants No. 5 and 6. It is correct that I have lodged.

F.I.R.Ext.PW-4/B at police station New Shimla pertaining to the same cause of action. It is incorrect that after the lodging of the F.I.R. the police officials consistently called me to the police station, for producing the supporting documents pertaining to my cause of action. Self stated that the police officials called me once for taking the addresses of the defendants. I cannot say whether any proceedings were recorded by the police official during the inquiry of my case.

I do not know anything about the documents Mark D-1 to D-6. It is incorrect that overall superintendence, responsibility and management of the defendants' company was to be looked after by the defendant No.2, namely, Sh.

Rajeshwer Sarbwal. Self stated that all the defendants were managing the affairs of the company. I do not know that the financial affairs of the company were looked after by the defendant No.2, exclusively. Self stated that cheques were issued to me by defendant No.2. I do not know in April, 2013, defendant No.2 mysteriously disappeared from Shimla. I do not know that the defendant No.1, is a private Ltd.

Company and liability of the directors is only upto Rs.10,000/-. I do not know that on 19.12.2012, the defendants No.5 and 6 had resigned from the directorship of the company, which was duly accepted on 24.12.2012 by defendant No.2. It is incorrect that there is no liability of defendants No. 5 and 6 in the present suit.

(Paras Doger) Registrar (Judicial) R.O & AC 27th December, 2022 (ravinder) 27.12.2022: Mr. Parmod Thakur and Mr. Nipun Thakur, Advocates for the plaintiff.

Mr. Jeevesh Sharma and Mr. M.S.Thakur, Advocates for defendants No.1 to 4.

Mr. Peeyush Verma, Advocate for defendants No.5 and 6.

Learned counsel for the plaintiff has stated that no witness has been recorded as PW-1 and the statement of witnesses has been started to be recorded from PW-2. Accordingly, statement of plaintiff Sh. Satish Mehta has been recorded as PW-5.

Smt. Suman Lata, Record Keeper, New Judicial Record, District Courts Shimla is present with the record of the record room. The learned counsel for the plaintiff has submitted that the case

pertaining to F.I.R. 9 of 2014 is still pending adjudication before the JMFC Court No.6, Shimla and he want to examine the concerned clerk pertaining to the F.I.R. 9 of 2014, which is pending adjudication in the Court as of date. Accordingly Smt. Suman Lata, Record keeper present today is discharged as she has not brought the entire record.

Let the fresh summon be issued for the service of concerned official from the Court JMFC, Court No.6, Shimla alongwith the record pertaining to F.I.R. 9 of 2014, registered at Police Station New Shimla. Let the summons be also issued to Imran Khan, witness mentioned at Sl. No.1 in the list of the wittiness for the same date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 27th December, 2022 (ravinder) 29.12.2022: Mr. George, Advocate, for the plaintiff.

Mr. Tara Singh Chauhan, Advocate, for the defendants.

Sh. Hans Raj is examined as PW-2 today. Sh. Bikhram Ram is present today, however, the learned counsel for the plaintiff vide his separate statement has given up Sh. Bikhram Ram, Sh. Bhagirath, Sh. Jagdish Chand and Sh. Alam Ram.

Let the case be listed before the Additional Registrar (Judicial) for summoning the remaining PWs for date to be fixed by him.

(Paras Doger) Registrar (Judicial) 29th December, 2022 (ravinder) PW-2:- Statement of Hans Raj son of Sh. Ram Swroop, aged 61 years, resident of Village Dador, P.O. Dhaban, Tehsil Balh, District Mandi, H.P. On Oath 29.12.2022 The parties to the lis are personally known to me. In the month of October, 2019, the defendants called me and Bikhu Ram at Ner Chowk, District Mandi, H.P. and they told me as they want to sell their property i.e. shops, land and house at Ner Chowk in order to pay the loan amount of the bank. Thereafter, I and Bikhu Ram contacted the plaintiff Ram Lal and told him that the defendants are interested to sell their property at Ner Chowk. The plaintiff Ram Lal was interested to purchase the property, therefore, he told us to fix a meeting for negotiations with the defendants and after the negotiations between the parties, both the parties agreed to make the transaction of the property for an amount of Rs.1,20,00,000/- (Rupees One Crore twenty lacs). Thereafter both the parties entered into an agreement i.e. Ext. PW- 1/A in my and Bikhu's presence. My signatures in the agreement Ext. PW-1/A is within red circle "F". Bikhu has also put his signatures which are in read circle "E" on agreement Ext.PW-1/A. The parties to the agreement also appended their signatures on the agreement in my and Bikhu's presence. The agreement was typed by document writer Bhagirath and the same was attested by the Notary Public in our presence. On the date of the execution of agreement i.e. Ext.PW-1/A, the plaintiff paid an amount of Rs.30,00,000/- (Rupees Thirty Lacs) to the defendants through bank transaction. The plaintiff had also paid an amount of Rs. 5,00,000/- (Rupees Five Lacs) four days earlier to the execution of the agreement to the defendant No.1-Ashok Kumar. It has been settled between the parties that within one month from the date of the execution of the agreement the plaintiff will pay an amount of Rs.30,00,000/- (Rupees Thirty Lacs) to the defendants and the parties will get the sale deed executed on or before 30 th May, 2020. Thereafter, I, Ram Lal and Bikhu Ram approached the

defendants to get the sale deed executed in the month of January, 2020 but the defendants prolonged the execution of the sale deed as they were demanding money. Before the spread of the Covid- 19 Pandemic in the month of March, 2020, we again approached the defendant for execution of sale deed, but due to the Covid-19 pandemic the same could not be executed. Whenever the plaintiff paid any amount to the defendants, the receipts to this effect were got executed which are Ext. PW-1/C-1 to C-9. All the receipts i.e. Ext. PW-1/C-1 to C-9 bears my and Bikhu's signatures. The defendants who received the payment at the relevant point of time, also signed the above said receipts and the same were got verified and signed by Councilor of Nagar Parishad, Ner Chowk. In the month of January, 2020, the defendant had received an amount of Rs.2,00,000/- (Rupees Two Lacs) from the plaintiff without any receipt on the assurance that the sale deed will be executed within a short period. In the month of early May, 2020, the plaintiff started to lay the lintel with the permission of the defendants on the property for which the sale deed was to be executed for which the plaintiff had given a contract amounting to Rs.4,50,000/- to the contractor, namely, Hukam Chand. After the laying of the lintel on the disputed property the plaintiff put his lock but thereafter the defendants put their own lock on the said property. On 30th May, 2022, I, Bikhu Ram along with the plaintiff visited the house of the defendants for convincing the defendants to get the sale deed executed. Though the defendants have agreed that they had received the money but on the pretext of the Covid pandemic they again prolonged the execution of the sale deed. Thereafter, we went to the Tehsil at Balh, Ner Chowk, where we found that the defendants have taken the loan from the bank and the same has not been returned by them. Thereafter we went to the Indian Overseas Bank, Ner Chowk, where we came to know that the defendants had not repaid their loan which was taken by them against the said property. In spite of the expiry of the date of the execution of the sale deed the defendants assured that they will get the sale deed executed. On 12th June, 2020, defendant had received an amount of Rs.14,80,000/- from the plaintiff vide receipt Ext.PW-1/C. Defendant No.3 also used to receive the amount from the plaintiff even after the expiry of the date of the execution of the sale deed as per the agreement. We also visited the Patwari and it was informed by him that the loan amount has not been paid by the defendants due to which there is an entry of the mortgaged property still existing in the revenue record. Marks A and B are the photographs of the property on which lintel was laid by the plaintiff. Since the defendants have not executed the sale deed despite taking the money therefore, the plaintiff was constrained to file the present suit xxx Mr. Tara Singh Chauhan, Advocate for defendants xxx I am matriculate and by profession I am an agriculturist and a shopkeeper. My shop of spare parts is at Dador. I have not brought the plaintiff to the defendants. Self stated that since the defendants were inclined to their property therefore, I informed the plaintiff about the defendants' intention of selling their property. I am not a real estate agent nor I have got any sale transaction executed between the parties. I have not signed any other agreement qua property dealing except this agreement. I have bank account in the name of my shop at PNB Bank Ner Chowk. It is incorrect that the receipts Ext.PW-1/C-1 to C-9 were already prepared by the plaintiff. Self stated that after receiving the payment the same were executed between the parties. I do not know from where the plaintiff arranged the money before paying the same to the defendants at the different intervals. Self stated that the plaintiff had sold his property in the year 2018. I am not a signatory to the agreement, if any, executed by the plaintiff qua his property. I was not present when the plaintiff sold his property and I have not seen the sale deed executed by the plaintiff in the year 2018 qua his property. It is incorrect that in the month of May, 2020, the Corona was at peak and the construction activities were totally banned. Self stated that the people

used to do their construction work during that period. I do not know how many labourers were employed by the plaintiff at his site. Self stated that he has given a contract of construction work to a contractor. It is incorrect that on 28.08.2018, the loan of the bank had already been cleared by the defendant Ashok Kumar and on 09.06.2020 defendant Vinod Kumar had also repaid their his loan as well as defendant No.3 had also cleared the loan 31.12.2019 of their respective bank vide Mark-D-1 to D-3. The plaintiff is the Sole Prop. of Santoshi Steel Industry at Ner Chowk. I do not know the bank account details of the plaintiff. It is incorrect that due to the poor financial condition he was not able to pay the entire sale consideration to the defendants. On 30th May, 2020, we have not purchased any stamp papers for the execution of the sale deed. Self stated that since it came to our knowledge that the property was mortgaged, therefore, the execution of the sale deed was not possible. The plaintiff told that he has given a notice to the defendants. I am not aware whether any reply of the notice was given by defendants. It is incorrect that no NOC were provided by the defendants to the plaintiff alongwith the reply to the notice. It is incorrect that the plaintiff was not ready and willing to pay the balance sale consideration due to insufficient funds and has falsely filed the present suit in order to harass the defendants. It is incorrect that I am depositing false today since I am a property dealer and having interest in the transactions. It is incorrect that all the receipts are manipulated subsequently and no financial transaction had taken place.

(Paras Doger) Registrar (Judicial) R.O & AC 29th December, 2022 (ravinder) Statement of Sh. George, learned counsel for the plaintiff Without oath 29.12.2022 Stated that I give up Sh. Bikham Ram being repetitive in nature, Sh. Bhagirath, Sh. Jagdish Singh Thakur and Sh. Alam Ram, being witness to the admitted documents.

(Paras Doger) Registrar (Judicial) R.O & AC 29th December, 2022 (ravinder) 04.01.2023: Ms. Meena Devi, Advocate, vice Mr. Bhuvnesh Sharma, Advocate, for the applicant.

Mr. Vikrant Chandel, Advocate, for the respondent.

Learned vice counsel for the applicant seeks some more time to take steps for summoning the witnesses of the applicant.

Let steps be taken within fifteen days for summoning the witnesses of the applicant, thereafter the matter be listed before the Additional Registrar (Judicial) for fixing the date of the applicant's witnesses.

(Paras Doger) Registrar (Judicial) 4th January, 2023 Pritam 04.01.2023: Ms. Salochna Kaundal, Advocate for the petitioner.

Mr. Het Ram Thakur, Advocate vice Mr. Sanjeev Sood, Advocate, for the respondents.

Learned counsel for the parties have prayed that the matter be listed for recording statement of the applicant witnesses in the fourth week of March, 2023.

Accordingly, let the case be listed on 23.03.2023, for recording the statement of remaining CWs. Learned counsel for the applicant/complainant has submitted that she will produce the petitioner on herself responsibility on the date fixed.

(Paras Doger) Registrar (Judicial) 4th January, 2023 Pritam 04.01.2023 Present: Kumari Simran Singh and Shri Vikram Singh alongwith Shri Ravinder Singh Jaswal, Advocate An application under Order XXXIII, Rule I read with Section 151 CPC has been filed for seeking permission to file the suit as an indigent person. The same has been presented before me. Let the same be processed as per Rules.

(Paras Doger) Registrar (Judicial) Section Officer (Scrutiny) 04.01.2023 Present:

Dr. Anil Dhiman, (Petitioner in person) alongwith Ms. Vidushi Sharma, Advocate.

The petition and its accompanying documents has been scrutinize under my personal supervision and the same has been found in order. The petition is also accompanying the receipt of security costs and the same is annexed with the petition. The petition is also within limitation. Be processed further as per Rules.

Paras Doger Registrar (Judicial) 4th January, 2023 (Pritam) 07.01.2023 Present:

Shri Mahesh Raj, (Petitioner in person) alongwith Mr. B.N. Sharma, Advocate.

The petition and its accompanying documents has been scrutinize under my personal supervision and the same has been found in order. The petition is also accompanying the receipt of security costs and the same is annexed with the petition. The petition is also within limitation. Be processed further as per Rules.

Paras Doger Registrar (Judicial) 7th January, 2023 (Pritam) 10.01.2023 Present:

Shri Y.P. Sood, Advocate, for the appellant/non-applicant.

Ms. Shruti Sharma, learned vice counsel for the respondent/applicant.

Learned vice counsel for the respondent/applicant has submitted that due to ill health, the applicant (Khem Chand) is not in a position to come to the Court for adducing his evidence today. Learned vice counsel for respondent/applicant seeks some more time for getting the witness (Khem Chand) examined. Learned opposing counsel has not made any objection to that effect.

Let the applicant (Khem Chand) be produced on the next date of hearing to be fixed by the Additional Registrar (Judicial) on self responsibility.

Paras Doger Registrar (Judicial) 10th January, 2023 (Pritam) 01.03.2023 Present:-



Shri Ashok Sood, Senior Advocate, with Shri Khem,Raj, Advocate, for the plaintiff.  
Shri Mukul Sood, Advocate, for defendants No. 4 to 6.

As per office report, steps for summoning the DWs have not been taken by the defendants. Learned counsel for the defendants seeks some more time for taking the steps.

Let steps be taken within three weeks, thereafter process be issued for service of DWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 1st March, 2023 (Pritam) 04.03.2023 Present:-

Shri Pratik Sharma, Advocate, vice Shri Sanjeev K. Suri, Advocate, for the petitioner.

Shri Kulbhushan Khajuria, Advocate, for the respondent.

Learned vice counsel for the petitioner seeks two weeks time for filing compliance affidavit, in terms of the order dated 18.07.2022 of the Hon'ble Court.

Let the case be listed on 20.03.2023.

Paras Doger Registrar (Judicial) 4th March, 2023 (Pritam) 10.03.2023 Present:-

Mr. Raman Ravi Verma, learned vice counsel for the plaintiff.

Ms. Pragti, Advocate, vice Mr. Digvijay Singh, Advocate for defendants No. 1,6 and Mr. Piyush Dhanotia, Advocate, vice Mr. Anshul Bansal, Advocate for defendants No. 2, 3 and 8.

It is submitted by the learned counsel that after the COVID pandemic the case was listed for the first time today due to which the witness Mandeep Sandhu could not put his appearance today. Learned vice counsel for defendants No. 1,6 and 7 seeks some time for producing the defendants witness on self responsibility.

Let the case be listed before the Additional Registrar (Judicial ) for fixing the date of defendants evidence.

Paras Doger Registrar (Judicial) 10th March, 2023 (Pritam) DW-3: Statement of Sh. Sajeev Soni, Chartered Account, Surveyor, aged 62 years, 1047/16, Hari Singh Nalwa Street, Karol Bagh, New Delhi-110005.

On Oath 15.03.2023 The respondent-Insurance company had engaged me in the year 2013 for assessing the loss incurred by the plaintiff-company qua loss of business interruption. Accordingly, I and my Assistant Tilottam Kumar visited the site of the

plaintiff company after my engagement by the defendants. I also obtained and verified the record of the plaintiff-

company qua the business loss incurred by the plaintiff-company. Thereafter we verified the record i.e. various balance sheets, production records relating to different periods of the plaintiff-company. On the verification of the various records of the plaintiff-

company, we analyzed and computed the business interruption loss of the plaintiff-company. We also conducted the meetings with the officials of the plaintiff-company before assessing the loss. After deliberation with the official of the respondent-

accompany and after verifying the record of the plaintiff-company, I prepared the final report Ex DW2/A, which is duly signed by me. After submission of the final report, Ex. DW2/A, the plaintiff-company made a representation for increased cost of working. Subsequently, I issued addendum report Ex. PW1/H . As per the Ex. DW2/A, the net loss was assessed to the tune of Rs.73,52,605/- and in the addendum increased cost of the working was assessed as Rs.5,66,969/-. Therefore, according to my assessment the plaintiff-company is entitled to the total amount Rs.79,19,574/- as full and final settlement towards the loss of business interruption/ profit.

xxxxx By Shri Ajay Vaidya, Advocate for the Plaintiff.

I am associated with the Insurance Company on and w.e.f. 04.02.1987. I am not aware that the plaintiff-company had taken four insurance policy pertaining to the business loss caused to the plaintiff-company. Self stated that neither the insurer nor the insured provided any policy except the one considered by me while assessing the loss in my survey report. The insurance policy which was provided to me was valid from 04.03.2012 to 03.03.2013. It is correct that the plaintiff-company suffered the loss in the month of February, 2013. It is incorrect that there was any kind of indemnity clause in the insurance company policy to indemnify the plaintiff-company till they achieve the optimum generation. Self stated that the loss of business was technically assessed based on the policy terms and conditions by considering standard production, interruption period, annual production and pre-

indemnity period. It is correct that while assessing the loss I had taken into consideration indemnity period of 91 days. Self stated that abnormal production days of 1.25 days based on the past analysis were reduced and final interruption was taken as 89.75 days. It is incorrect that as per the policy the indemnity period should have been upto 1st of November, 2013. In my final report I have assessed standard turn over on the basis of terms and conditions of the insurances policy, which means the same period in the last year for the interruption days under this policy, adjusted with trend based on the water flow discharge i.e. monsoon water flow fluctuations. I have not seen the policy wordings in the Court file today and due to non-availability, it is not possible to pinpoint and show the exact clauses of the Insurance-Company. I was aware the indemnity period of the Insurance policy, when the addendum was issued. Self stated that the purpose of issuing addendum was to allow the increased cost of working as claimed by the plaintiff-company subsequently. I am not aware when the company attained the optimum generation after issuance of addendum by me. Self stated that I

am not able to understand the word optimum asked by plaintiff-company, since the loss has been assessed under business interruption policy based on the procedure as required to assess loss of profit losses, such as based on standard production contribution in comparison with the pre-loss period production adjusted based on the interruption period.

It is incorrect that whatever has been stated by me today is contrary to the terms and conditions of the insurance policy as well as the policy wording. It is incorrect that I am deposing false.

R.O & AC (Paras Doger) Registrar (Judicial) 15th March, 2023 (Pritam) Statement of M.S. Katoch, learned vice counsel for the defendants.

Without oath 15.03.2023 Stated that I closed the evidence on behalf of the defendant as the list of witnesses has been exhausted.

R.O & AC (Paras Doger) Registrar (Judicial) 15th March, 2023 (Pritam) Civil Suit 27 of 2016 15.03.2023 Present:-

Shri Ajay Vaidya, Advocate for the plaintiff.

Shri B.M. Chauhan, Senior Advocate with Shri M.S. Katoch, Advocate for the defendants.

Statement of Shri Sanjeev Soni, is recorded as DW-3. Learned vice counsel for the defendants has closed the evidence on behalf of the defendants vide his separate statement.

The evidence on behalf of the parties is complete. Let the case be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 15th March, 2023 (Pritam) 17.03.2023 Present:-

Shri Sambhav Bhasin, Advocate for the appellant.

Shri Sanket Sankhyan, Advocate, for respondents No. 1 and 2.

In compliance to the order dated 02.12.2022, of the Hon'ble Court, respondent No. 1 (a) Shri Neelam Singh S/o Late Shri Viren Singh and respondent No.2, Smt. Sheela w/o Viren Singh, has been ordered to furnish the surety bonds to the satisfaction of Registrar General or any other Registrar of this Court.

The above said respondents have filed the surety bond in the Registry on 06.03.2023. However, the perusal of the bond of Shri Neelam Singh shows the head 'Surety Bond' but it has been signed by Shri Neelam Singh and therefore, the same is said to be a 'Personal Bond' which is duly supported by affidavit of Smt. Sheela w/o Late Viren

Singh. There is no surety bond on record.

Further, Smt. Sheela has also filed the personal bond under the head 'Surety Bond' but apparently it appears to be 'Personal Bond' and the same is duly supported by her own affidavit. As per direction of Hon'ble Court, the surety bonds are required to be furnished by both the respondents in whose favour the amount has been ordered to be released. Apparently, no surety bonds have been filed in compliance to the orders of the Hon'ble Court. In that eventuality, the order of the Hon'ble Court has not been complied with in letter and spirit, therefore, the bonds furnished by the applicants cannot be attested and accepted.

Paras Doger Registrar (Judicial) 17th March, 2023 (Pritam) Criminal Revision No. 131 of 2022 20.03.2023 Present:-

Shri Rahul Thakur, Advocate vice Mr. Sanjeev K. Suri, Advocate, for the petitioner. Shri Kulbhushan Khajuria, Advocate for the respondent.

As per the order dated 18.07.2022, of the Hon'ble Court, the petitioner was directed to deposit the compounding fee with the State Legal Services Authority and No Dues Certificate was also directed to be furnished during the said day. Further, as per the order dated 18.07.2022, the Hon'ble Court was informed that the compounding fee has already been deposited with the concerned authority. The petitioner was also directed to furnish the compliance affidavit in this regard with the undersigned. The case was repeatedly listed for furnishing the compliance affidavit as well as receipt regarding depositing of the compounding fee from 25.11.2022, but till date neither the compliance affidavit nor the receipt qua deposit of the compounding fee has been furnished despite three opportunities granted to the petitioner.

Let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 20th March, 2023 (Pritam) 23.03.2023 Present:-

Shri Rohit Chauhan, Advocate, for the petitioner. Shri Yash Sharma, Advocate, for the respondent.

In compliance to the order dated 03.03.2023, of the Hon'ble Court, the petitioner (Shri Hardev Sharma), has filed compliance affidavit along with the receipt from the H.P. State Legal Services Authority, qua depositing of Rs./10,500/- i.e. 5% of the cheque amount, which is on record.

A perusal of the file shows that two cheques amounting to Rs.1,10,000/- each, had been issued by the petitioner. As per the orders of the Hon'ble Court 5% of the cheques amount was to be deposited with the H.P. State Legal Services Authority, which amounts to Rs.11,000/-. Since as per the receipt, the petitioner has deposited

an amount of Rs.10,500/- with the H.P. State Legal Services Authority, therefore, there is a short fall of Rs.500/-.

Learned counsel for the petitioner has submitted that he will deposit the remaining amount with the H.P. State Legal Services Authority within a week and thereafter, he will produce the receipt qua deposit of the remaining amount i.e. Rs.500/-.

Learned counsel for the respondent has submitted that the respondent has received the entire settlement amount from the petitioner and nothing is due to him from the petitioner.

Let the case be listed on 10.04.2023.

Paras Doger Registrar (Judicial) 23rd March, 2023 (Pritam) 06.04.2023 Present:-

Ms. Heena Chauhan, Advocate, vice Mr. B.S. Thakur, Advocate for the plaintiff. Shri Subhash Sharma, Advocate, for defendant No.1.

Shri Daleep Chand, Advocate, vice Mr. V.D. Khidta, Advocate, for defendant No.2.

Learned vice counsel has submitted that they will produce the plaintiff on the next date of hearing on self responsibility.

As per the report of Registry PW i.e. Shri Lakhvinder Singh is served. However, learned vice counsel for the plaintiff has moved an application for his exemption for today. The application is allowed for the reasons mentioned in the application.

Let fresh steps be taken for service of the PW Lakhvinder Singh within fifteen days, thereafter, the process be issued for the service of PWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 06th April, 2022 (Pritam) 06.04.2023 Present:-

Shri Ajay Kumar Sharma, Advocate and Shri Pradeep Sharma, Advocate for the petitioner(s).

Shri Jitender Dua and Smt. Seema Dua, are present in person.

Learned counsel for the applicant has moved an application for furnishing the solvent security bonds in compliance to the orders dated 06.03.2020, passed in OMP No. 84 of 2020 in Arb. Case No. 11 of 2020 and order dated 07.03.2023, passed in Chamber Appeal No. 1 of 2022 in Arb. Case No. 11 of 2020. The application is accompanied by solvent security bond of Shri Jitender Dua, S/o Late Shri R.S. Dua and Smt. Seema Dua, who are promoters of applicant-Company No.3 i.e. M/s Cure Health

Pharmaceutical Private Limited at Village Raipur, P.O. Deothi, District Solan, Himachal Pradesh.

Shri Jitender Dua, has filed the solvent security bond alongwith the Schedule-I of the properties, sale deeds, which are annexed as Annexures A-1 to A-22 and the valuation of the above said properties, duly prepared by the approved valuer of the Income Tax Department regarding each of the properties. Further, alongwith the application, the applicant has also furnished solvency certificate Annexure X-I, of Shri Jitender Dua and as per the solvency certificate duly issued by the approved valuer of the Income Tax Department, the total value of the above said properties, of Shri Jitender Dua, as per the market rate is Rs.,5,83,87,152/-. The solvent security bond is duly supported by the affidavit of Shri Jitender Dua, wherein he has specifically averred that the properties mentioned in the above said Annexures i.e., A-1 to A-22, are free from all encumbrances.

Further, the applicant has also placed on record the solvent security bond duly furnished by Smt. Seema Dua alongwith the Schedule-II of the properties, sale deeds, which are annexed as Annexures A-23 to A-30 and their valuation reports. Annexure X-1, i.e. solvency certificate duly issued by the above mentioned approved valuer, shows that the total value of the properties of Smt. Seema Dua, is about Rs.1,92,93,035/-. The said solvent security bond is duly supported by the affidavit of Smt. Seema Dua, wherein she has specifically averred that the said properties are free from all charges and encumbrances.

Annexure X-1, i.e., solvency certificate duly issued by the approved valuer depicts that the entire value of the properties mentioned in Schedule-I and Schedule-II, of Shri Jintender Dua and Smt. Seema Dua, is about Rs.7,76,80,187/-.

As per the order dated 06.03.2020 of the Hon'ble Court, the applicants were directed to deposit the entire award amount in the Registry of this Court alongwith upto date interest accruing thereon or subject to furnishing of the solvent security bonds equivalent to the said amount or a Bank Guarantee in the Registry of this Court. As per the award passed by the Arbitrator, the award amount has been assessed by the Arbitrator to the tune of Rs. 4,65,57,560/-, alongwith interest @ of 12% from the date it fell due till its realization.

Therefore, in view of the solvency certificate duly issued by the approved valuer, the solvent security bonds furnished by Shri Jintender Dua and Smt. Seema Dua, are duly attested and accepted by me. All the papers filed with the application be tagged with the case file.

Paras Doger Registrar (Judicial) 06th April, 2022 (Pritam) 10.04.2023 Present:-

Shri D.N. Sharma, Advocate, for the petitioner. None for the respondent.

Learned counsel for the applicant-petitioner seeks some more time for depositing the short fall amount with the Himachal Pradesh State Legal Services Authority and producing the receipt qua depositing of the balance amount. Let the same be deposited within two weeks.

List on 26.04.2023.

Paras Doger Registrar (Judicial) 10th April, 2022 (Pritam) CMP No. 13640 of 2021 in RSA No. 481 of 2016 AW-3: Statement of Shri Sushil Kumar, S/o Shri Suram Chand, Village and Post Office Ladret, Tehsil Dehra, District Kangra, Himachal Pradesh.

On oath 10.04.2023 Stated that Shri Suram Chand, applicant is my father. I am his General Power of Attorney Holder. I have brought the Original General Power of Attorney today, vide which I have been duly authorized to appear before any Civil/Criminal Court in any matter, related to him or any appeal from Lower Court to Higher Court, since he is about 70 years old and is unable to appear personally. The copy of the General Power of Attorney is Ex.

AW-3/A. I am fully conversant with the facts of the present case. Initially in the Lower Court my father had filed a case regarding encroachment on our land by the non-applicants/appellants. The Trial Court gave the decision in our favour. Thereafter, the present appellants/non-applicants had filed an appeal in the First Appellant Court, which was also dismissed by CMP No. 13640 of 2021 in RSA No. 481 of 2016 the First Appellant Court. Thereafter, the present appellants has filed the appeal before the Hon'ble High Court and vide order dated 17.04.2017, the Court stayed the execution of the impugned judgment and decree passed by the learned Courts below and the parties were directed not to change the nature of the suit land and not to create any encumbrance over the suit land till the final disposal of the main appeal. The copy of the said order is Ex. AW-3/B. On 14.11.2021, Madan Lal, Subhash Chand, Parveen Kumar and Ashwani Kumar (appellants), started to raise construction of the septic tank over Khasra No.44/1 (disputed land) despite the stay order of the Hon'ble High Court. On the said date, they (appellants) have brought JCB machine and started to dig the land. We tried to convenience them not to disobey the order of the Hon'ble High Court but they did not pay any heed to our request and started to quarrel with us. We also showed them stay order of the Hon'ble Court. When CMP No. 13640 of 2021 in RSA No. 481 of 2016 they did not stop, then we went to Pardhan of our Panchayat and submitted a written application Mark-

`A' alongwith the stay order of the Hon'ble High Court. The Pardhan of our Gram Panchayat called the appellants and asked them not to carry out any construction work on the spot. In spite of the asking of the Pardhan of the Gram Panchayat, the appellants did not stop the construction/digging work. On 15.11.2021, we made an application to ASI Nagrota Surian Mark-`E', and also apprised about the stay order of the Hon'ble High Court by annexing the same with the application. But the Police did not take any action by saying that the matter is pending adjudication in the Court. On 14.11.2021, I also clicked the photographs of the spot from my mobile, which are Mark-F-1 to F-6. Thereafter, we again moved an application before the Hon'ble High Court and vide order dated 23.11.2021, the parties were directed to maintain status quo as of date and further CMP No. 13640 of 2021 in RSA No. 481 of 2016 directed not to raise any construction by any of the parties or to change the nature of the suit land. In spite of the order dated 23.11.2021, the appellants did not stop and carried out the construction work. I have clicked the photographs, which are Mark-G-1 to G-3.

Thereafter, we again moved another application in the Hon'ble High Court and vide order dated 01.12.2021, the Hon'ble Court directed to provide police assistance and the SHO Police Station Jawali was directed to implement the order of the Court. He was further directed to take the assistance of the Revenue Authority with respect to the land on which the construction is going on. Thereafter, the police personnel from Police Post Nagrota Surian alongwith the Pardhan and Up-Pradhan, visited the spot on 05.12.2021, and showed the orders of the Hon'ble Court to both the parties and directed the parties not to raise any construction. Thereafter, the revenue officials accompanied by the police officials prepared CMP No. 13640 of 2021 in RSA No. 481 of 2016 the spot report Ex- RW-2/A and recorded the statement of the parties, which are Ex.RW-1/A and RW-1/B. The police officials also clicked the photographs on the said date, which are Mark-A and Mark-B. Thereafter, on 16.04.2022, police officials alongwith the revenue officials again visited the spot and prepared the spot report, which is Ex-RW-2/B. The appellants have raised the toilet and bathroom on the disputed land despite the stay orders from the Hon'ble Court. Therefore, they have breached the orders of the Hon'ble Court. After preparing the final report the police official submitted his report in the Hon'ble High Court.

Xxxxx Shri Rahul Thakur, Advocate vice Shri Ramakant Sharma, Advocate.

The disputed land was demarcated by Field Kanungo Shri Bhajan Lal after filing of the present application in the Court. No Local Commissioner was appointed by the Court. Self stated that there was direction from the Hon'ble Court to the police to take CMP No. 13640 of 2021 in RSA No. 481 of 2016 the assistance from the revenue officials. At the time of demarcation, me and my father alongwith the appellants as well as Police and Revenue Officials were present. At the time of demarcation, the revenue officials have also brought the Musabi and accordingly, demarcated the land. It is incorrect that the appellants have raised the construction over their own land and we have unnecessarily filed the complaint against the appellants in order to harass them. It is incorrect that the demarcation has been done by the retired Kanungo.

R.O & AC (Paras Doger) Registrar (Judicial) 10th April, 2023 CMP No. 13640 of 2021 in RSA No. 481 of 2016 AW-4: Statement of Smt. Kiran Kumari, Pardhan Gram Panchayat Ludret, Post Office Ludret, Tehsil Dehra, District Kangra, Himachal Pradesh.

On oath 10.04.2023 Stated that in the year 2021, I was Pardhan of Gram Panchayat Ludret. On 14.11.2021, the applicants moved an application Mark-D, now Ex.

AW-4/A, before me alongwith the copy of the order dated 17.04.2017 of the Hon'ble High Court. The application Ex.AW-4/A, bears my signature in red circle 'A'. Thereafter, I asked the appellants to stop the construction work in view of the orders of the Hon'ble High Court. However, the appellants told me that where they are raising construction is not a disputed land and there is no stay order qua the disputed land as mentioned in the application of the applicants. When the Police visited the spot they called me. I alongwith Up-Pardhan, visited the spot and at that time both the parties were present there.



The police officials requested the appellants to stop CMP No. 13640 of 2021 in RSA No. 481 of 2016 the construction work but the appellants straight way refused. I again visited the spot second time when the police alongwith revenue officials visited the spot in the year 2022. We called both the parties on the spot but none of the parties came to the spot. The revenue officials demarcated the land and the police officials clicked the photographs of the spot and prepared the report.

Xxxxx Shri Rahul Thakur, Advocate vice Shri Ramakant Sharma, Advocate.

The demarcation was conducted by the revenue officials in my presence. At that time Field Kanungo, Patwari and Revenue Chowkidar were present alongwith the police officials. The demarcation on the spot was conducted by the serving Field Kanungo. It is incorrect that the demarcation was conducted by the retired Kanungo. It is correct that at the time of demarcation in the year 2022, none CMP No. 13640 of 2021 in RSA No. 481 of 2016 of the parties came to the spot, despite calling them by the police officials.

R.O & AC (Paras Doger) Registrar (Judicial) 15th March, 2023 CMP No. 13640 of 2021 in RSA No. 481 of 2016 AW-5: Statement of Shri Avinder Singh, ASI, Police Chowki Nagrota Surian, District Kangra, Himachal Pradesh.

On oath 10.04.2023 Stated that in the year 2022, I was posted at Police Post Nagrota Surian. The order dated 17.03.2022 from the Hon'ble High Court, was received at Police Station Jawali, which was forwarded to Police Post Nagrota Surian, by SHO Police Station Jawali, whereby the direction was given to get the disputed spot identified from the revenue officials. Accordingly, I alongwith the revenue official visited the spot on 16.04.2022 and got the spot identified from the revenue officials. The report Ex.

AW-5/A (28 leaves) was submitted in the Court. I also clicked the photographs Mark-H-1 to H-4 on the spot from my personal mobile. When I visited the spot alongwith the revenue officials, the construction of the bathroom and toilet had already been taken place. After the demarcation, the revenue officials apprised me that the constructions of the bathroom and toilet has been done on Khasra No.44.

Xxxxx Shri Rahul Thakur, Advocate vice Shri Ramakant Sharma, Advocate.

I have prepared the report EX.AW-5/A, on the basis of the report/demarcation by the revenue officials. I have not given any prior notice in writing to the appellants before visiting the spot. It is incorrect that I never visited the spot and based my report only on the basis of revenue officials.

R.O & AC (Paras Doger) Registrar (Judicial) 10th April, 2023 CMP No. 13640 of 2021 in RSA No. 481 of 2016 Statement of Shri Mukul Sood, learned counsel for the applicants.

Without oath 10.04.2023 Stated that I close the evidence on behalf of the applicants as the list of witnesses has been exhausted.

R.O & AC (Paras Doger) Registrar (Judicial) 10th April, 2023 10.04.2023 Present:-

Shri Mukul Sood, Advocate, for the applicants. Shri Rahul Thakur, Advocate, for the non- applicant.

Three witnesses namely Shri Sushil Kumar, Ms. Kiran and ASI Avinder Singh, examined as AW-3 to AW-5. Learned counsel for the applicants vide his separate statement has closed the evidence on behalf of the applicants. The perusal of the earlier evidence recorded on 25.11.2022, shows that due to some inadvertence the statement of the witnesses of the applicants have been reflected as RW-1 and RW-2, instead of AW-1 and AW-2.

Therefore, the Section Officer concerned is directed to make the correction accordingly in order to avoid any confusion.

Learned vice counsel for the non-applicant seeks time for taking steps for RWs. Let steps be taken within fifteen days and the case be listed before the Additional Registrar (Judicial) for fixing the date of RWs.

Paras Doger Registrar (Judicial) 10th April, 2022 (Pritam) 12.04.2023 Present:-

Shri Rahul, Advocate, vice Mr. Sanjeev K. Suri, Advocate, for the petitioner. Ms. Pallvi Sharma, Advocate, vice Mr. Kul Bhushan Khajuria, Advocate, for the respondent.

As per office report, the compliance affidavit alongwith the receipt qua depositing of 5% of the cheque amount has been filed by the petitioner. However, the perusal of order dated 18.07.2022, shows that there is a specific direction of the Hon'ble Court (in para-4 of the judgment) that 10% of the cheque amount as compounding fees be deposited by the petitioner with the H.P. State Legal Services Authority.

Since 5% of the cheque amount i.e. Rs. 5,000/-, has been deposited by the petitioner, though he was required to deposit additional Rs.5,000/- (i.e. 10% of the cheque amount in total), in compliance to the order of Hon'ble Court dated 18.07.2022, therefore, there is a deficiency of Rs.5,000/-, in depositing the amount.

Learned counsel for the petitioner seeks two weeks time for depositing the balance amount i.e. Rs.5,000/- and producing the receipt thereof from the H.P. State Legal Services Authority.

Let the case be listed on 03.05.2023, as prayed for.

Paras Doger Registrar (Judicial) 12th April, 2022 (Pritam) (M/s Kas Technology Solutions Vs. M/S Telepoint Service (India) Pvt. Ltd.) 18.04.2023: Present: Mr. B.C.

Negi, Senior Advocate with Mr. Ganesh Barowalia, Advocate, for the plaintiff.

Mr. Kanwar Bhupinder Singh, Advocate, for the defendant.

Statement of Sh. Shivam Karol as DW-2 recorded today. Learned counsel vide his separate stated that the defendant does not want to examine the defendant's witnesses mentioned in the list filed on 29.04.2014 and give them up. Learned counsel further submits that now he wants to examine defendant and witness mentioned witness at Sl. No.3 in the list of witnesses dated 28.03.2019. Learned counsel for the defendant further submitted that he will bring the defendant at their own responsibility.

Let the summons be issued to the witness at Sl. No.3 i.e. Mr. Raddibattula Raji Reddy, in the list of witnesses dated 28.03.2019, for the date to be fixed by the learned Additional Registrar (Judicial). On the said date defendant be also produced on self responsibility.

Paras Doger Registrar (Judicial) 18th April, 2022 (ravinder) 24.04.2023: Present: Ms Drishti Sirswal, Advocate vice Mr. Balwant Kukreja, for the petitioner/DH Shri Sanjeev Sood, Advocate, for respondent/JDs.

As per the office report proclamation charges have been deposited and steps for issuing the warrant of sale have been taken. Let the warrant of sale be issued as per the following shedule:-

1. Date of Proclamation - 25.05.2023

2. Sale of property - 26.06.2023

3. Report - 10.07.2023 Paras Doger Registrar (Judicial) 24th April, 2022 (Pritam) Regarding violation of the laws by the Hotels. It is submitted that it has brought to the knowledge of Hon'ble Court by the Gram Sudhar Sabha Koti PO Jawali Tehsil Kasouli, that in private hotels at Koti i.e. Vollywood, 7 Hills, Sakoon and Pet Puja Mehal, the DJ is played throughout the night and intoxicant such as whisky beer Hukka are served in the open places. The empty botels have been kept by the Gram Panchayat as a proof which are being served by these Hotels in the open roofs of the hotels. It is further submitted that sometimes at about 12 mid night, 1 or 2 a.m, crackers are fired due to which it has become difficult for the residents of the village to have a sound sleep. It is further submitted that on 8.8.2022 one complaint has been sent to DC Solan, but no action had been taken. Thereafter, the members of the Gram Panchayat met the local MLA with ADC Solan, and submitted their complaint, who marked the said complaint to SDM Kausli but no action has been taken. Thereafter on 21.02.2023, the members of the Gtram Panchayat again met the ADC who asked the SDM Kausli to take action, the copy of the same is annexed herewith as Annexure P-

1. On that complaint the Pardhan of Gram Sudhar Sabha, received a telephonic call on 28.02.2023, from Police Station Parwanoo and asked the Pardhan of the Gram Panchayat to come to the police station on next day and the police further informed that the hotliers have also been called. On 01.03.2023, the members of the committee went to police station and the hotliers gave in writing that they will not give any occasion for any further complaint in future. On the same subject a written complaint was also submitted to Gram Panchayat Koti Namb Block Dharampur. Thereafter on 12.05.2022, the Gram Panchayat called the hoteirs and requested that in future no complaint shall come regarding this subject, the copy of compromise is annexed herewith as Annexure P-2. Thereafter, on 20.11.2022, again a written complaint was submitted to Panchayat on which the Gram Panchayat passed a resolution, the copy of which were sent to SDM Kausli and Police Station Kausli, the copies of the same are annexure herewith as Annexure \_\_\_\_\_. Inspite of that the hotlier did not pay any heed and they use to play DJs till midnight and use to serve intoxicant in their Hotels.

Thereafter, on 6th April the hooligans/ guests of these hotels threw the three-four bottles cane of beer spoons and menu card on the roof of the house of the Pardhan of the Gram Panchayat, which situated beneth these hotels in the midnight. Thereafter, the spot was got inspected by the Panchayat Pardhan in the presence of ward members and police on 7.4.2023, and a written complaint was again submitted the copy of the same is annexed herewith as Annexure... Inspite of the above stated complaint no action had been taken by the police \_\_\_\_\_. It is further submitted that the now the comoplaint Gram Welfare Society has no option but to seek indulgence of this Court for taking appropriate action.

26.04.2023:

Present: Shri. Rohit Chauhan, Advocate, vice Shri D.N. Sharma, Advocate, for the petitioner.

Shri Yash Sharma, Advocate, for the respondent.

Vide order dated 23.03.2023, learned counsel for the petitioner had sought the time for depositing the deficient amount of the compounding fees i.e. Rs.500/-.

Today learned vice counsel has placed on the record the receipt bearing No.,. 4008, dated 17.04.2023, amounting to Rs.500/-, which is taken on record. Now, the total compounding fees i.e. Rs.11,000/- (5% of the cheques amount) has been deposited by the petitioner with the H.P. State Legal Services Authority. The compliance affidavit has already been filed, which is on record.

Accordingly, the petitioner has complied with the order of Hon'ble Court dated 03.03.2023, in letter and spirit. Therefore, no further order is required to be passed. Be processed further.

Paras Doger Registrar (Judicial) 26th April, 2022 (Pritam) It is submitted in the news clipping that matter relating to cast based discrimination has come into light in Chikhar School at Shimla. In the month of December, a complaint has been made by the Principal of the School to the Deputy Director but no action had been taken.

That this incident has come into the light when a lower caste (Dalit) lady was appointed as mid-day-meal worker in the school. Out of 40 children, only 20 children used to have lunch and the other 20 children don't take lunch prepared by the said lady. As per the news clipping there are two mid-day-meal worker in the School and when the food is cooked by the other workers then all the children used to have food.

That during lunch, the children were asked to sit separately. As per the local inhabitants the same arrangement is applicable to the Primary School also. Though the matter was raised before the department but no action had been taken till date. The teachers who had raised this issue have been transferred to some other school.

That the President of SMC has feigned ignorance about such type of incident in the school, though there is active involvement of the SMC in the working of the school.

That schools are sacred places and such type of incidents in the school is intolerable, which gives a wrong message regarding teaching of discrimination between the children CMP No. of 2021 in RSA No. 111 of 2017 AW-1: Statement of Shri Surinder PalS/o Shri Mohan Singh aged 57 years R/o Mona Video Shop No. 15 Gandhi Chowk Mandi Town, District Mandi, Himachal Pradesh.

On oath 28.04.2023 Stated that I have photo studio at Mandi I do not Sumit Gulati S/o Shri Ashok Kumar. I have not clicked any photograph on the stop. I do not remember today that photograph Mark A-1 to A-5, were developed in my photo studio by someone. Self stated that the above said photographs might have been developed in my studio in October, 2022.

Xxxxx Shri , Advocate vice Shri Ramakant Sharma, Advocate.

I have prepared the report EX.AW-5/A, on the basis of the report/demarcation by the revenue officials. I have not given any prior notice in writing to the appellants before visiting the spot. It is incorrect that I never visited the spot and based my report only on the basis of revenue officials. R.O & AC (Paras Doger) Registrar (Judicial) 28th April, 2023 CMP No. 1528 of 2022 in RSA No. 111 of 2017 AW-2: Statement of Shri Ashok Kumar S/o Shri Tarlok Chand, aged 55 years R/o House No. 267/12, Ram Nagar Mandi Town, District Mandi, Himachal Pradesh.

On oath 28.04.2023 Stated that a civil dispute pertaining to the land between me and Shri Devi Singh appellant is going on from the year 2013. He had filed an appeal in the Hon'ble High Court whereby vide order dated 17.04.2017, interim direction qua status quo was ordered to be maintained by the parties, which was subsequently confirmed on 11.07.2017. In spite of the stay order from the Hon'ble High Court, the appellant forcibly raised the construction on the disputed site by raising pillars on it for about 6-7 months ago. We did not make any request to the appellant not to raise any

construction over the disputed land however, they have asked us not to enter in the disputed land. I never visited the spot, when the construction was being raised by the appellant. Photographs Mark A-1 to A-5, were clicked by my son from his mobile phone. The above said photographs were developed by my son from Mona Videos at Mandi. I never raised any illegal demand from the appellant. The appellant has raised the construction over the suit land inspite of status quo order of the Hon'ble Court and thereby intentionally breached the orders of the Court.

Xxxxx Shri Mukul Sood, Advocate vice Shri Sanjeev Sood, Advocate, for non-applicant/appellant.

It is incorrect that the shops which are visible in Mark A-1 to A-5, were already constructed by the appellant before the stay order granted by the Hon'ble Court. I do not know that the appellant has raised the construction after the year 2017. Self stated that I used to reside at a long distance from the spot and I seldom use to visit the disputed land. It is correct that the appellant has not raised any construction after the year 2017. It is correct that I have not made any complaint to any authority regarding the construction raised by the appellant after the year 2017. It is incorrect that I have filed a false application just to harass the appellant. It is incorrect that I am deposing false.

Ms. Tanu Chauhan, Advocate, vice Mr. Raju Ram Rahi, Advocate, for respondents No. 1(a) to 1(j)  
Opportunity given. Nil.

R.O & AC (Paras Doger) Registrar (Judicial) 28th April, 2023 (Pritam) CMP No. 1528 of 2022 in RSA No. 111 of 2017 AW-1: Statement of Shri Surinder Pal S/o Shri Mohan Singh aged 57 years R/o Mona Video Shop No. 15 Gandhi Chowk Mandi Town, District Mandi, Himachal Pradesh.

On oath 28.04.2023 Stated that I have photo studio at Mandi. I do not know Shri Sumit Gulati S/o Shri Ashok Kumar.

I have not clicked any photograph on the stop. I do not remember today that photograph Mark A-1 to A-5, were developed in my photo studio by someone. Self stated that the above said photographs might have been developed in my studio in October, 2022.

Xxxxx Shri Mukul Sood, Advocate vice Shri Sanjeev Sood, Advocate, for non-applicant/appellant.

Opportunity given. Nil.

Ms. Tanu Chauhan, Advocate, vice Mr. Raju Ram Rahi, Advocate, for respondents No. 1(a) to 1(j)  
Opportunity given. Nil.

R.O & AC (Paras Doger) Registrar (Judicial) 28th April, 2023 (Pritam) CMP No. 1528 of 2022 in RSA No. 111 of 2017 AW-3: Statement of Shri Sumit Gulati S/o Shri Ashok Kumar, aged 33 years R/o House No. 267/12, Ram Nagar Mandi Town, District Mandi, Himachal Pradesh.

On oath 28.04.2023 Stated that I have clicked the photographs, Mark A-1 to Mark A-5 from my mobile phone and the same were got development in Mona Videos at Mandi Town. The appellant

has constructed the shops prior to the year 2017. However, they have not installed shutter at that time. I have clicked the said photographs in the month of October, 2022 at that relevant time, the appellant was raising the fresh construction over the shops and they have deployed the labour, which is visible in the photographs. The appellant has intentionally flouted the orders of the Hon'ble High Court.

Xxxxx Shri Mukul Sood, Advocate vice Shri Sanjeev Sood, Advocate, for non-applicant/appellant.

It is incorrect that the entire construction visible in the photographs has been done by the appellant prior to the year 2017. It is incorrect that the appellant has raised construction during the pendency of the appeal in the 1 st appellate Court at Mandi. It is correct that I am not a party in the present litigation.

Self stated that I know the entire factual position as my father is party in the present litigation. It is correct that no date has been mentioned on the photographs from which it could be ascertained in which month or year the same have been clicked. It is incorrect that I am deposing false.

Ms. Tanu Chauhan, Advocate, vice Mr. Raju Ram Rahi, Advocate, for respondents No. 1(a) to 1(j) Opportunity given. Nil.

R.O & AC (Paras Doger) Registrar (Judicial) 28th April, 2023 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 11 of 2017 28.04.2023:

Present: Shri. R.L. Chaudhary, Advocate for the applicant.

Ms. Tanu Chauhan, Advocate, vice Mr. Raju Ram Rahi, Advocate for non-applicant-respondents ( No. 1(a) to 1(j)).

Shri Mukul Sood, Advocate, vice Mr. Sanjeev Sood, Advocate, for the non-applicant-appellant.

None for respondents No. 2,3,5 and 6..

Statement of three witnesses of the applicant are recorded today.

Let the sole remaining witness, Shri Gulam Ali, in the list of witness be summoned for the date to be fixed by the Additional Registrar (Judicial).

Steps, if any, be taken within a week.

Paras Doger Registrar (Judicial) 28th April, 2022 (Pritam) 03.05.20223 Present: Shri. Vijay Kumar Thakur, Advocate vice Mr. Sanjeev K. Suri, Advocate, for the petitioner.

Ms. Pallvi Sharma, Advocate, vice Mr. Kulbhushan Khajuria, Advocate, for the respondent.

As per the office report, receipt regarding depositing of the deficient amount i.e. Rs.5,000/-

before the H.P. State Legal Services Authority Shimla, has not been filed.

Learned vice counsel for the petitioner has submitted that he has informed his client about the deposit of the deficient amount, however, he has not turned up for doing the needful. Learned vice counsel for the petitioner submitted that the matter be listed in the Court.

As requested, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd May, 2023 (Pritam) AW-1: Statement of ASI Shri Sohan Lal, Ist Bn. Junga, Tehsil and District Shimla, Himachal Pradesh.

On oath 18.05.2023 Stated that I have brought the summoned record today. On 15.08.2021, a telephonic information was received in the Police Post Karchham from Mrs. Subodh Bisht, W/o Shri Tejwant Singh. At the same time one another telephonic complaint was received from Shri Rohan Bisht, pertaining to the same incident. Shri Subodh Bisht had made a complaint that Smt. Man Dasi was not allowing her to pluck the apple from her orchard. Rohan Bisht also made a complaint that Mrs. Subodh Bisht and her children, namely Shubham and Ashwarya are misbehaving with his mother and they are also stealing the apples from their orchard. Accordingly, I alongwith Head Constable Suresh Kumar and Constable Rahul visited the spot. On inquiry, Mrs. Subodh Bisht disclosed that she and her labour were plucking apples from her orchard but Smt. Man Dasi restrained her and her labour from plucking the apples by pelting stones on them and using sticks. Mrs. Subodh Bisht further disclosed that on the nine apples trees, adjacent to her house, Shri Rokinder Bisht has imbibed letter 'R' and claiming those trees to him.

She further disclosed that she had plucked 35 apple Crates from those nine trees. Thereafter, I made an inquiry from Smt. Man Dasi on which she disclosed that the nine trees adjacent to the house belongs to her and Smt. Subodh Bisht is plucking the apples illegally from those trees. I also made an inquiry from Pradhan Gram Panchayat Kilba (Shri Shankar Bhagat), who was also present on the spot at that time. The Pradhan Gram Panchayat disclosed that the said orchard is in the co-ownership of three brother, namely Laxman Singh, Rajwant and Tejwant Singh. He further disclosed that it not possible to ascertain which particular trees belong to which co-owner. Thereafter, I called the concerned Patwari to the spot for spot verification. The Patwari also disclosed that the said orchard is in the co-ownership of the aforesaid three brothers and it is difficult to ascertain which particular chunk of land and trees belong to which co-owner.

Both the parties disclosed to me that a Civil Suit is going on between the parties and status quo order has been ordered to be maintained by the Court. There are about 500-600 trees on the said orchard. As per the parties, the trees which were down side Doghari (house in the orchard), belongs to Tejwant Singh and the trees up side the Doghari belongs to Rajwant Singh. The dispute was pertaining to nine trees which were at the level of the Doghari. On the spot, I received a telephonic



call from Police Post that Rokinder Singh had filed a written complaint pertaining to this dispute in the Police Post. To that effect a GD entry No.11 dated 15.08.2021, Ex.

AW1/A. was entered. Thereafter, I requested both the parties to maintain peace and prepared a Kalandra under Section 107 and 150 Cr.PC. On that day in the morning hours, Smt. Subodh Bisht had also brought two witnesses i.e. former Pardhan of the Gram Panchayat Shri Kuldeep Singh and one Advocate Shri Sat Pal.

Xxxxx Shri Arvind Shrama, Advocate for the respondent.

The Rapat Number of the complaint of Smt. Subodh is Rapat No.10, dated 15.08.2021, It is incorrect that I went to the spot to inquire the Rapat No.10 of Smt. Subodh Bisht. It is correct that when I was on the spot pertaining to the inquiry of Rapat No.10, then Rapat No.11 was entered at Police Post, Karchham. Rohan Bisht was not on the spot at the time when I visited the spot. I did not made any inquiry as to ascertain where the Rohan Bisht was at that relevant time. Shri Rohan Bisht is Assistant District Attorney in the Prosecution Department. It is incorrect that on the asking of Shri Rohan Bisht, we have entered Rapat No.11 in the Police Post Karchham. I had sent the Kalandra under Section 107 and 150 Cr.PC to SDM Office, Reckongpeo. I am not aware of the status of the said case today, since I have been transferred from that place. It is incorrect that I am deposing false.

R.O & AC (Paras Doger) Registrar (Judicial) 18th May, 2023 (Pritam) 18.05.2023 Present: Ms. Meera, Advocate, vice Mr. Deepak Gupta, Advocate, for the applicant/petitioner.

Shri Arvind Sharma, Advocate, for the respondent.

Statement of ASI Sohan Lal as AW1, is recorded today. The other witnesses Shri Rokinder Singh and Man Dasi are not present.

Learned vice counsel for the applicant/petitioner submits that she will produce these witnesses on self responsibility on the next date of hearing.

At this stage, learned counsel for the respondent has raised objection that the present application/petition under order 39 Rule 2-A CPC is not maintainable, since the order against which the present application has been filed has been passed by Civil Judge Senior Division, Kinour at Reckongpeo in Civil Misc. Application No.32-6 of 2013, in Civil Suit No. 54 of 2013 titled as Tejwant Singh versus Rajwant Singh.

Since the question qua maintainability of the present proceedings has been raised by learned counsel for the respondents, therefore, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd May, 2023 (Pritam) PW-3: Statement of Shri Hukam Chand, aged 47 years, S/o Shri Sauju Ram, R/o Village Majhtyal, P.O. Bhangrotu, Tehsil Balh, District

Mandi, Himachal Pradesh On oath 29.05.2023 Stated that I am working as Masson at Ner Chowk, District Mandi, H.P. The parties to the lis are known to me. In April 2020, I went to the shop of Shri Ram Lal for purchasing an Almirah, then he told me that he had purchased a building and some construction work is required to be done in that building. I alongwith Shri Ram Lal visited that building where Shri Ashok Kumar was also present at that time. Shri Ram Lal asked me to do certain construction work in that building whereby I asked Shri Ashok Kumar whether he has any objection qua making the construction work in that building, then Shri Ashok Kumar told me that he has no objection, if the construction work is carried out in that building by me, as Shri Ashok Kumar had already sold that building to Shri Ram Lal. I entered into an agreement verbally with Shri Ram Lal to lay the lenthil after demolition of the old lenthil and to lay the rough floor, for an amount of Rs.4,50,000/-, which includes labour and materials. I started the work in the last week of April 2020, and completed the entire work in last week of May, 2020. My shattering, one bundle of steel rods and cement bags is lying till date in that premises since Shri Ashok Kumar had put his lock after breaking open my lock and he had not allowed me to enter in that premises. Shri Ram Lal had paid the entire amount in installments to me and nothing has been left to be taken from him as of date by me.

Due to the refusal by Shri Ashok Kumar to take my shattering and other things lying in that building, I am still suffering loss.

Xxxxx Shri Tara Singh Chauhan, Advocate for the defendants.

I have studied up to 10+1. My house is about one kilometer from the building, where I have done the construction work. I had entered into oral agreement with Shri Ram Lal for doing his construction work. It is correct that in the month of April 2020, there was spread of COVID-19 pandemic.

I had not taken any written permission from any authority qua construction during that period. Self stated that the police had orally allowed the construction work at different times of the day during that period. I did not entered into any written agreement with any of the parties for whom I had done the construction works. I had deployed seven-eight labourers on the construction site of Shri Ram Lal. I had not maintained any written record qua deployment of the labour on that site. I cannot tell the names of that labourers. Self stated that the different Bihari labourers use to come on different days. I paid their wages in cash only. I purchased the material from Ner Chowk itself. I cannot produce any bill today. I did not make any complaint to the police against Shri Ashok Kumar, regarding not allowing me to lift my material from the site. It is incorrect that neither I visited the shop of Shri Ram Lal nor he assigned me any construction work. It is incorrect that I did not make any construction work on the site. It is incorrect that no material has been left on the site. It is incorrect that I am deposing false on the asking of Shri Ram Lal.

R.O & AC (Paras Doger) Registrar (Judicial) 18th May, 2023 (Pritam) PW-4: Statement of Shri Tashi, aged 35 years, S/o Shri Tandup Gyacho, R/o Village Surad, P.O. Khokhan, Tehsil Bhuntar, District Kullu, Himachal Pradesh.

On oath 29.05.2023 Stated that I am working as Branch Manager in Indian Overseas Bank at Ner Chowk, District Mandi, Himachal Pradesh, from 26th May, 2023. I have brought the original requisitioned record. The housing loan raised by Shri Ashok Kumar, against which the property has been mortgaged was closed by him on 8th October, 2020. The original document/ letter Mark D-2, is not available today with me nor the copy of the same is available in the Bank record. Shri Ashok Kumar has not availed a cash credit limit amounting to Rs.10 lacs, against which the property was mortgaged with the Bank. Self stated that he had availed the housing loan from the Bank.

At this stage, a document Account Ledger Inquiry dated 26.05.2023, brought by the witness has been sought to be placed on record as Exhibit. Learned counsel for the defendants has raised the objection as to the admissibility of the document on the ground of late production as well as the said document is not certified as per the Bankers Book Evidence Act.

As the objection has been raised, which can only be adjudicated by the Hon'ble Court. Accordingly, the matter is required to be referred to the Hon'ble Court, qua the admissibility of the document, which is being sought to be placed on record. The said document is taken on record and annexed with the record in part-B (noting part). Hence, the cross examination is deferred.

R.O & AC (Paras Doger) Registrar (Judicial) 29th May, 2023 (Pritam) 29.05.2023 Present: Mr. George, Advocate, for the plaintiff.

Shri Tara Singh Chauhan, Advocate, for the defendants.

Statement of Shri Hukam Chand is record as PW-3. Shri Tashi, Branch Manager, Indian Overseas Bank, Ner Chow, District Mandi, H.P., is also present and examined. However, during the course of examination in Chief, learned counsel for the plaintiff tendered a document i.e. Account Ledger Inquiry brought by the said witness to which learned counsel for the defendant has raised objection qua its admissibility. Learned counsel for the defendants has requested the matter be referred to the Hon'ble Court for its adjudication and appropriate orders.

Learned counsel for the plaintiff has submitted that he will move appropriate application before the Hon'ble Court qua the adjudication about the admissibility of the said document within a week.

Let the matter be listed before the Hon'ble Court after receiving the application from the plaintiff.

Paras Doger Registrar (Judicial) 29th May, 2023 (Pritam) CMP No. 6553 of 2020 RSA No. 602 of 2019 01.06.2023 Present: Ms. Seema K. Guleria, Advocate, for the non-

Applicants.

Shri G.D. Verma, Senior Advocate with Mr. Sumit Sharma, Advocate, for respondents No. 1 and 3 (a to e) applicants.

Respondent No.2 ex-parte vide order dated 12.07.2021.

Today the case was listed before District and Sessions Judge (L/TR) and vide his today's order, the Ld. District and Sessions Judge (L/TR), recused to record evidence as the First Appeal in this matter has been decided by him on 17.08.2019. The matter was ordered to be listed before the undersigned for appropriate orders.

On receiving of the file, the undersigned directed the matter be listed before him today itself for recording the evidence as witnesses of the applicant are present.

At this stage, learned counsel for the applicant submits that the witnesses present today have been send back inadvertently.

Due to the non-availability of witnesses they could not be examined. Let fresh PF be filed within a week and thereafter, fresh process be issued for the service of the applicants witnesses at Sr. No. 1 to 3, mentioned in the list of witnesses, for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 1st June, 2023 (Pritam) CMP No. 9572 of 2017 in RSA No. 549 of 2009 AW-4: Statement of Shri Manu, aged 34 years, S/o Shri Hiru Ram, R/o Village Dholag, P.O. Kalol, Tehsil Jhandutta, District Bilaspur, Himachal Pradesh.

On oath 14.06.2023 Stated that I am a shopkeeper and I am into the business of photography. I also develop photographs at my shop, which is situated at village Kalol (Bakain), District Bilaspur, Himachal Pradesh. On 30.01.2017, I visited the disputed site on the asking of the applicant Shri Sarwan Kumar. I clicked the photographs of the disputed site on that day on the asking of Shri Sarwan Kumar from my mobile phone. Thereafter, I develop the photographs Exhibit AW4/A-1 to AW4/A-5 (objected to on the mode of proof).

xxxx Mr. Shrawan Dogra, Senior Advocate with Mr. Tejasvi Dogra, Advocate for the respondent.

I don't have any shop license with regard to photo studio. I do not have any independent photo studio. Self stated that I have photocopier, photo printer and other accessory to develop the photographs in my shop. I do not have any professional camera for clicking the photographs and I used to take the photographs from my mobile, if some person require my services. It is correct that I have changed my mobile once in the year 2020. It is correct that I have not clicked the photographs from my present mobile. I cannot produce the mobile phone from which I have allegedly clicked the above said photographs. Shri Sarawan Kumar, is my uncle (Chacha Ji) in relation. It is incorrect that I do not know about the disputed property of the present lis. Self stated that since the property in dispute is belonging to our family due to which I know the entire facts about this property. I do not know the specific Khasra Numbers, on which the houses have been built by the parties. No demarcation had taken place at any point of time in my presence. It is correct that I have clicked the photographs which has been specifically pointed to me by the applicant. Shri Mohar Singh is known to me. It is correct that I have not issued any certificate pertaining to the photographs clicked digitally from my mobile. It is incorrect that I am deposing false on the asking of the applicant who happens to be my uncle.

R.O & AC (Paras Doger) Registrar (Judicial) 14th June, 2023 (Pritam) CMP No. 9572 of 2017 in RSA No. 549 of 2009 14.06.2023 Present: Mr. Rahul Mahajan, Advocate, for the applicant.

Shri Sharwan Dogra, Senior Advocate with Mr. Tejasvi Dogra, Advocate, for the respondent.

Statement of Shri Manu is recorded as AW4. Learned counsel for the applicant has submitted that he will produce the applicant on the next date of hearing on his self responsibility.

Let the case be listed before the Additional Registrar for fixing the next date for remaining applicant witnesses.

Paras Doger Registrar (Judicial) 14th June, 2023 (Pritam) 23.06.2023 Present: Ms. Sunaina, Deputy Advocate General for the Petitioners/objectors/non-applicant.

Mr. Tarun Jeet Singh Bhogal, Advocate, for the Respondent/applicant.

As per office report, proper solvent security certificate has not been furnished by the applicant/respondent in compliance to the order dated 04.05.2022.

Learned counsel for the applicant/respondents seeks two weeks more time for doing the needful. Let the case be listed after two weeks on furnishing the proper solvent security certificate as directed by the Hon'ble Court.

Paras Doger Registrar (Judicial) 23rd June, 2023 (Pritam) Execution Petition No. 10 of 2019 23.06.2023 Present: Mr. Hamender Singh Chandel, Advocate for the petitioners.

Ms. Sunaina, Deputy Advocate General for the respondent.

As per the office report, steps for the summoning of the witnesses have not been taken due to which the summons could not be issued to the witnesses for today.

Learned Deputy Advocate General seeks some more time for taking steps. Let the steps be taken within one week, thereafter, the process be issued for the service of the respondents witnesses for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 23rd June, 2023 (Pritam) PW-3: Statement of Shri Deepak Saini, aged 37 Proprietor M/s Vishal Haryana Freight Carrier Head Office Plot No.33, New Timber Market, Transport Area Sector 26, Chandigarh (R/o Village Sangohi, Post Office Sangoha, Tehsil and District Karnal, Haryana-132001).

On oath 30.06.2023 Stated that I am transporter by occupation. I do my business at Parwanoo, Chandigarh and State of Maharashtra. My business is in the name of Vishal Haryana Freight Carrier. Shri Subhash Chauhan, plaintiff is known to me from the last five-six years. I use to provide transport to his apple consignments from Parwanoo. We use to transport his apple consignment at

different parts of the country. Whenever, a truck is booked on behalf of consigner we use to prepare a bilti to that effect. Three copies of the bilti are being prepared, one of which is given to the consigner, second copy is given to the Driver and third copy is also handed over to the Driver to be delivered to the consignee. The photocopies of the bilties are prepared in my office/Firm which are Mark P-1 to P-83. We use fill in the bilti the place from where the consignment has been booked and the same is/ was to be delivered. The name of the consigner and consignee are also mentioned in the bilti.

xxxx Mr. Ravinder Malik, Advocate for the defendants.

I am the owner of the Firm, having Branch at Parwanoo, Chandigarh. Self stated that the main owner of the above said Firm resides at Nasik, Maharashtra. It is correct that I am Branch Manager of the above stated Firm. I do not know Shri Bhagwan Dass (Defendant No.2). I have visited Azadpur Mandi at Delhi. I am aware that whenever a truck enter in Azadpur Maddi a slip is issued by the APMC at entry point of the Mandi. Probably there is no bilti, which has been placed on record today i.e. Mark P-1 to P-83 pertains to Azadpur Mandi. It is incorrect that we do not keep the record of the bilties which are issued to the parties. Self stated that we use to keep the record for one-two years. It is correct that I have not brought any record pertaining to the bilti Mark P-1 to P-83. I came to know about the present case two years ago. Plaintiff has not disclosed anything to me prior to the filing of the present case. The copy of the bilti is issued to the Driver so that he can obtain receiving of the consignment from the consignee and he should not have any problem in receiving freight. It is correct that in Mark P-1 to P-83 there is no signature of the consignee pertaining to receiving of the consignment. The driver do not use to deliver his copy to our Firm. It is correct that in all the bilti i.e. Mark P-1 to P-83, the name of Bhagwan Dass (defendants) has not been mentioned as consignee. Self stated that we use to right abbreviation in the name of consignee at the instance of the plaintiff. However, I do not know the proper full form of the abbreviations, we use to right in the bilties. I came here today to adduce my evidence on the asking of plaintiff. I came to know that I have been cited as witness in the present case. It is correct that I do not know anything about the dealings between the parties to the lis.

R.O & AC (Paras Doger) Registrar (Judicial) 30th June, 2023 (Pritam) COMS NO. 13 of 2019 30.06.2023 Present: Mr. Prem P. Chauhan, Advocate for the plaintiff.

Mr. Ravinder Malik alongwith Mr. Kartik, learned counsel for the defendants.

Statement of Shri Deepak Saini is recorded as PW3. Learned counsel for the plaintiff seeks some time to produce the remaining plaintiff witnesses including plaintiff. Let same be produced on self responsibility on the next date of hearing to be fixed by the Additional Registrar (Judicial) Paras Doger Registrar (Judicial) 30th June, 2023 (Pritam) COMS NO. 11 of 2019 14.07.2023 Present: Mr. Shivalik Bhaik, Advocate, vice Ms. Shalini Thakur, Advocate, for the plaintiff.

Mr. Romesh Verma, Senior Advocate with Mr. Hitesh Thakur, Advocate, for defendants.

Learned vice counsel for the plaintiff has submitted that due to bad weather condition and blockade of roads at different places, the plaintiff witnesses could not appear to adduce their evidence today. However, learned vice counsel for the plaintiff has submitted that on the next date of hearing they will produce the witnesses at his self responsibility.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date for remaining plaintiff's evidence.

Paras Doger Registrar (Judicial) 14th July, 2023 (Pritam) Criminal Revision No. 266 of 2021 14.07.2023 Present: Mr. Pavinder Thakur, Advocate vice Mr. Anirudh Sharma, Advocate, for the petitioner.

None for the respondent.

Learned counsel for the petitioner seeks one week's time to file compliance affidavit in pursuance to the order dated 19.04.2022 passed by the Hon'ble Court.

Let the case be listed on 25.07.2023.

Paras Doger Registrar (Judicial) 14th July, 2023 (Pritam) 21.07.2023 Present: Mr. Amit Sharma, Advocate, for the plaintiff.

Shri H.S. Upadhaya, Advocate, for defendant/ counter claimant.

Learned counsel for the plaintiff has submitted that PW-3, Shri Anup Kumar, could not come to the Court today for his cross examination due to the blockade of road at different places as he has to come from Delhi. Learned counsel for the plaintiff further submitted that he will produce PW-3 on his self responsibility on the next date of hearing.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of plaintiffs evidence/cross examination of PW-3.

Paras Doger Registrar (Judicial) 21st July, 2023 (Pritam) Criminal Revision No. 266 of 2021 25.07.2023 Present: Mr. Anirudh Sharma, Advocate, for the petitioner-applicant.

None for the respondent As per office report, compliance affidavit has been filed by the applicant-petitioner. Learned counsel for the applicant has submitted he had already deposited 10% of cheque amount i.e., Rs.5000/- with H.P. State Legal Service Authority, Shimla, vide Receipt No. 3881, on behalf of the petitioner-applicant and the receipt to the same had already been placed on record, which is at Page No. 53 of the case file.

Since the applicant has complied the order dated 19.04.2022, therefore, no further order is required to be passed.

Paras Doger Registrar (Judicial) 25th July, 2023 (Pritam) 27.07.2023 Present: Mr. Vikas Deep, Advocate, for the plaintiff.

Shri Janesh Gupta, Advocate, for the defendant.

As per office report, process fee and list of witnesses have been filed but the diet money has not been deposited for summoning the plaintiff's witnesses. Learned counsel for the plaintiff submits that he will produce the plaintiff on its own responsibility, however, he will deposit the diet money for the other plaintiff's witnesses within a week.

Let the diet money be deposited within a week and the case be listed for recording the statement of the plaintiff on 22.09.2023. The other witnesses as mentioned in the list of witnesses will be summoned later on.

Paras Doger Registrar (Judicial) 27th July, 2023 (Pritam) Criminal Revision No. 268 of 2021 25.07.2023 Present: Mr. Anirudh Sharma, Advocate, for the petitioner-applicant.

None for the respondent As per office report, compliance affidavit has been filed by the applicant-petitioner. Learned counsel for the applicant has submitted he had already deposited 10% of cheque amount i.e., Rs.5000/- with H.P. State Legal Service Authority, Shimla, vide Receipt No. 3883, on behalf of the petitioner-applicant and the receipt to the same had already been placed on record, which is at Page No. 53 of the case file.

Since the applicant has complied the order dated 19.04.2022, therefore, no further order is required to be passed.

Paras Doger Registrar (Judicial) 25th July, 2023 (Pritam) 26.07.2023 Present: Ms. Sunaina, Deputy Advocate General, for the petitioners/objector/non-applicant Ms. Swati Verma, Advocate, vice Mr. Tarun Jeet Singh Bhogal, Advocate, for the respondent/ applicant.

As per office report, documents pertaining to solvent security has been furnished by the learned counsel for the applicant, but perusal of the same shows that the bonds qua solvent security has not been furnished by any of the authorized representatives of the Society of which the documents pertaining to the property has been placed on record.

Learned vice counsel for the applicant seeks one week's time to do the needful. Let the case be listed on 07.08.2023.

Paras Doger Registrar (Judicial) 26th July, 2023 (Pritam) 27.07.2023 Present: Mr. Vikas Deep, Advocate, for the plaintiff.

Shri Janesh Gupta, Advocate, for the defendant.



As per office report, process fee and list of witnesses have been filed but the diet money has not been deposited for summoning the plaintiff's witnesses. Learned counsel for the plaintiff submits that he will produce the plaintiff on its own responsibility, however, he will deposit the diet money for the other plaintiff's witnesses within a week.

Let the diet money be deposited within a week and the case be listed for recording the statement of the plaintiff on 22.09.2023. The other witnesses as mentioned in the list of witnesses will be summoned later on.

Paras Doger Registrar (Judicial) 27th July, 2023 (Pritam) 27.07.2023 Present: Mr. Vikas Deep, Advocate, for the plaintiff.

Shri Janesh Gupta, Advocate, for the defendant.

As per office report, process fee and list of witnesses have been filed but the diet money has not been deposited for summoning the plaintiff's witnesses. Learned counsel for the plaintiff submits that he will produce the plaintiff on its own responsibility, however, he will deposit the diet money for the other plaintiff's witnesses within a week.

Let the diet money be deposited within a week and the case be listed for recording the statement of the plaintiff on 22.09.2023. The other witnesses as mentioned in the list of witnesses will be summoned later on.

Paras Doger Registrar (Judicial) 27th July, 2023 (Pritam) Criminal Appeal No. 405 of 2019 28.07.2023 Present: Mr. Ranjna Patial, Deputy Advocate General, for the appellant.

None for the respondent.

As per the order of Hon'ble Court dated 06.07.2023, the serving officer was directed to appear before the undersigned today i.e. on 28.07.2023, to get his statement recorded in respect of proclamation proceedings conducted by him.

Learned Deputy Advocate General has shown correspondence dated 23/24 June, 2023, and stated that they have sent the above said letter to the Superintendent of Police, Shimla and informed him/her that the matter has been adjourned for 06.07.2023. But learned Deputy Advocate General has failed to show that they have made any correspondence to the concerned authority or to the serving office in compliance to order dated 06.07.2023 of the Hon'ble Court. Therefore, it appears that no information has been sent to the serving officer or the authority under which he is serving, regarding order dated 06.07.2023, due to which he might not have put appearance for getting his statement recorded today before the undersigned.

Accordingly, let the matter be listed before the Hon'ble Court on the date already fixed by the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 28th July, 2023 (Pritam) 28.07.2023 Present: Mr. Ajeet Jaswal, Advocate, for appellant.

(a) and 1 (b) In compliance to the order dated 28.07.2023 of the Hon'ble Court, the parties to the lis put appearance before the undersigned and have appended their signature on the application under Order 23 Rule 3, read with Section 151 of the Code of Civil Procedure (CMP No. 6926 of 2023 in RSA No. 432 of 2018). The parties have been identified by the respective counsel. The copies of Aadhar Cards have also been placed on record. Statement of the parties have also been recorded, which is also appended herewith.

Let the case be listed before the Hon'ble Court on the date already fixed by the Hon'ble Court.

Paras Doger Registrar (Judicial) 28th July, 2023 (Pritam) Statement of Shri Ramesh Thakur, aged 77 years S./o Shri Krishan Chand Thakur, R/o Shanti Vihar Kasumpti, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Statement of Shri Balak Ram, S./o Shri Ramesh, aged 42 years R/o Vikas Nagar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the appellant. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 30th June, 2023 (Pritam) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 30th June, 2023 (Pritam) Statement of Shri Balak Ram, S./o Shri Ramesh, aged 42 years R/o Vikas Nagar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the appellant. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC (CMP No. 6926 of 2023 in RSA No. 432 of 2018) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 28th July, 2023 (Pritam) Statement of Shri Dinesh, S./o Shri Ramesh, aged 37 years R/o Vikas Nagar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the appellant. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC (CMP No. 6926 of 2023 in RSA No. 432 of 2018) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 30th June, 2023 (Pritam) Statement of Shri Ramesh Thakur, S./o Shri Krishan Chand aged 77 years R/o Shanti Vihar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the respondents. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC (CMP No. 6926 of 2023 in RSA No. 432 of 2018) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 28th July, 2023 (Pritam) 28.07.2023 Present: Mr. Ajeet Jaswal, Advocate, for appellant.

(a) and 1 (b) In compliance to the order dated 28.07.2023 of the Hon'ble Court, the parties to the lis put appearance before the undersigned and have appended their signature on the application under Order 23 Rule 3, read with Section 151 of the Code of Civil Procedure (CMP No. 6926 of 2023 in RSA No. 432 of 2018). The parties have been identified by the respective counsel. The copies of Aadhar Cards have also been placed on record. Statement of the parties have also been recorded, which is also appended herewith.

Let the case be listed before the Hon'ble Court on the date already fixed by the Hon'ble Court.

Paras Doger Registrar (Judicial) 28th July, 2023 (Pritam) Statement of Shri Balak Ram, S./o Shri Ramesh, aged 42 years R/o Vikas Nagar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the appellant. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC (CMP No. 6926 of 2023 in RSA No. 432 of 2018) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 28th July, 2023 (Pritam) Statement of Shri Dinesh, S./o Shri Ramesh, aged 37 years R/o Vikas Nagar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the appellant. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC (CMP No. 6926 of 2023 in RSA No. 432 of 2018) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 30th June, 2023 (Pritam) Statement of Shri Ramesh Thakur, S./o Shri Krishan Chand aged 77 years R/o Shanti Vihar, P.O. Kasumpti, Tehsil and District Shimla, H.P. On oath 28.07.2023 Stated that I have entered into the compromise with the respondents. The terms and conditions have already been mentioned in the application under Order 23 Rule 3 CPC (CMP No. 6926 of 2023 in RSA No. 432 of 2018) and the same are agreeable to me. I have entered into the said compromise voluntarily without any coercion and undue influence.

R.O & AC (Paras Doger) Registrar (Judicial) 28th July, 2023 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 AW-3: Statement of HC Inder Singh, No. 23, TCP Barrier Tunnuhatti, District Chamba, Himachal Pradesh On Oath 04.08.2023 Stated that in the year 2019, I was posted as Head Constable at Police Post Daradha, District Chamba. On 6.11.2019, I received a complaint from Shri Ashok Kumar (applicant), Mark A-7. After receiving the above said complaint Mark A-7, I entered the DDR No.9, dated 06.11.2019 at Police Post Daradha, copy of which is Mark A-9. I have not brought the original record since the same has not been asked to be produced.

xxxxx By Shri Ajay Kumar, Senior Advocate with Shri Rohit, Advocate for respondent/non-applicant.

It is correct that before making the complaint by Shri Ashok Kumar on 06.11.2019, an FIR No. 295 of 2019, dated 05.11.2019, had already been lodged against Shri Ashok Kumar under Section 452, 427, 504, 506 and 34 IPC. It is correct that challan qua the above said FIR has already been submitted in the Court.

xxx xxx xxx xxx xxx xxx At this stage, learned senior counsel for the applicant wants to re-examine this witness on the new facts which has been adduced by him in his cross examination. The opposing counsel has stated that he has no objection to that effect, accordingly, the witness is allowed to be re-examined by the learned senior counsel for the applicant.

I have not brought the original record. Self stated that I have brought the copy of the DDR alongwith me to re-fresh my memory. It is incorrect that I am stating false without any basis and on the asking of the other party. It is incorrect that I have been approached by the other party due to which I am deposing false.

R.O & AC (Paras Doger) Registrar (Judicial) 4th August, 2023.

(Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 Statement of Shri Karan Sharma, Advocate, for the applicant Without Oath 04.08.2023 Stated that I do not want to examine Shri Ajay Kumar, S/o Shri Tilak Raj, Proprietor Jalpa Printer, Village Devidehra, Tehsil Dalhousie, District Chamba, Himachal Pradesh, being won over, therefore, I give him up.

R.O & AC (Paras Doger) Registrar (Judicial) 4th August, 2023.

(Pritam) 04.08.2023 Present: Mr. Anand Sharma, Senior Advocate with Mr. Karan Sharma, Advocate, for the applicant. Shri Ajay Kumar, Senior Advocate with Mr. Rohit, Advocate, for the non-applicant.

Statement of HC Inder Singh has been recorded as AW-3. Learned counsel or the applicant vide his separate statement has given up Shri Ajay Kumar. Learned counsel for the applicant further submits that he will bring the witnesses namely Shri Tushar Sharma and Shri Anirudh Kumar, on their own responsibility on the next date of hearing. There is no need to issue the summons to the aforesaid witnesses.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date of remaining applicants evidence.

Paras Doger Registrar (Judicial) 4th August, 2023 (Pritam) 07.08.2023 Present: Mr. Rohit Sharma, Deputy Advocate General, for the Petitioners/objectors/non-applicant.

Ms. Swati Verma, Advocate, vice Mr. T.S. Bhogal, Senior Advocate, for the Respondent/applicant.

As per office report, bond qua solvent security has not been furnished. Learned vice counsel for the respondents-applicant seeks time as the original counsel is undergoing treatment at PGI,

Chandigarh, due to which needful could not be done.

Learned vice counsel further submits that she requires at least three weeks time to do the needful. Let the case be listed on 24.08.2023.

Paras Doger Registrar (Judicial) 7th August, 2023 (Pritam) 09.08.2023 Present: Mr. Vikas Chauhan, Advocate, for the plaintiff.

Mr. Rohit, Advocate, for the defendants.

Learned counsel for the plaintiff submits that due to bad weather and blockade of road at different places, the plaintiff's witnesses who have to come from Jharkhand and Bihar could not come to the Court today for adducing their evidence.

Learned counsel further submits that he will bring the plaintiff's witnesses on self responsibility. Learned counsel further requested that let the plaintiff be first examined and the other two witnesses will be examined thereafter. Learned vice counsel for defendant has no objection to that effect. There is no need to send the summons to any of the witnesses.

Therefore, let the plaintiff be produced on the next date of hearing, to be fixed by the Additional Registrar (Judicial), for recording the statement of the plaintiff.

Paras Doger Registrar (Judicial) 9th August, 2023 (Pritam) 14.8.2023 Present: None.

Vide order dated 14.7.2023, additional issues have been framed by the Hon'ble Court and the plaintiff has been allowed to adduce his evidence. As per the office report, steps for the summoning of the plaintiff's evidence have been taken. Let the summons be issued for the service of the plaintiff's evidence for the date to be fixed by Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 14.08.2023 (Chander) CMP No.6553 of 2020 in RSA No. 602 of 2019 AW-1: Statement of LC Pratibha, No.1067, PAR, Vikasnagar, Shimla, H.P. On Oath 17.08.2023 Stated that I am posted as LC at PAR Vikasnagar from the last five years. I have brought the requisitioned record. On the information received Police Help Line from Deep Chauhan through his Mobile No.76500-79259, Rapat No.4 was entered at PAR Vikasnagar on dated 21.6.2020, which is Ext.AW-1/A. After entering Ext.AW-1/A, the Police Party headed by HC Rameshwar along with Ct. Ajit, No.1486 was sent to the spot to verify the dispute in question. After visiting the spot, the Police Party got entered the Rapat No.07, qua arrival of the Police Party at Police Station, which is Ext.AW1/B. The Rapat No.07 was entered by HHC Beena, No.1388.

(Original seen and returned).

xxxxx By Ms. Seema Guleria, Advocate for respondent/non-applicant.

As per the record, Rapat No.4 was entered at PAR Vikasnagar at about 8.55 AM and the Police Party was sent to the spot immediately. It is correct personally.

R.O & AC (Paras Doger) Registrar (Judicial) 17th August, 2023.

(Chander) CMP No.6553 of 2020 in RSA No. 602 of 2019 AW-2: Statement of HC Rameshwar Singh, presently posted in State CID, Shimla, H.P. On Oath 17.08.2023 Stated that in the year 2020, I was posted as HC at Police Assistant Room, Vikasnagar. On receiving the complaint from Sh. Vijay Chauhan and Sh. Deep Ram, a Rapat No.4 (Ext.AW-1/A) was entered at PAR Vikasnagar. Thereafter, I along with Ct. Ajit Kumar, No.1486 went to the spot for investigation. On the spot, I met complainant Vijay Chauhan and the other party Gopi Chand. Sh. Vijay Chauhan gave one written complaint Ext.AW-2/A to me on the spot and informed me that Sh. Gopi Chand is raising the unauthorized construction on the spot inspite of the stay order from the Hon'ble High Court.

I noticed that some labourers were doing the welding work on the parking which had already raised on the spot. In inquired from Sh. Gopi Chand regarding welding work being done on the spot then he informed me that the civil litigation is already going on between them since 2009. Sh. Gopi Chand further informed me that he had already won his case in the District Courts.

He further informed me that after the winning of the case, the Khasra Nos. 1251 and 1247 have been recorded in the revenue record in his name. He further informed me that Sh. Deep Chand and Vijay Chauhan had filed appeal against the District Court's order in the Hon'ble High Court in which he has obtained the stay in the appeal against Deep Chand and Vijay Chauhan. Both the parties failed to produce the copy of stay order at that time. Thereafter, I recorded the statement of Sh. Gopi Chand which is Ext.AW-2/B. Ext.AW/1/A and Ext.AW/2/B (in original produced by LC Pratibha-AW1) seen and returned. After due completion of the investigation on the spot, on my return, I got entered Rapat No.07, (Ext.AW-1/B) at PAR Vikasnagar.

xxxxx By Ms. Seema Guleria, Advocate for respondent/non-applicant.

It is correct that I was not aware about the Khasra numbers in dispute. Self-stated that the same were informed to me by the parties present on the spot. It is correct that I have not brought along with me any revenue officials for confirming the Khasra numbers on the spot. It is correct that no RCC construction was being raised by the respondent Gopi Chand at the time when I visited the spot. It is correct that only repair/welding work was being done by Sh. Gopi Chand at that time. It is correct that I have not recorded the statement of other party or any other person present on the spot at that time.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 17th August, 2023.

(Chander) 17.08.2023 Present: Mr. G.D. Verma, Senior Advocate with Ms. Shruti Sharma, Advocate, for the applicant.

Ms. Seema Guleria, Advocate for the non- applicant.

Statement of LC Pratibha and HC Rameshwar Singh are recorded as AW-1 and AW-2 respectively. As per the office report, the other witness Sh. Chaman Lal is duly served. The learned counsel for the applicant has submitted that due to the death in his relation, he could not come to the Court today. Let the witness namely Chaman Lal be again summoned on taking the steps within seven days.

The learned counsel for the applicant further submitted that he will produce the applicants Sh. Vijay Chauhan and Deep Chauhan on their own responsibility. Let the case be listed before the Additional Registrar (Judicial) for fixing the date of remaining AWs.

Paras Doger Registrar (Judicial) 17th August, 2023 (Chander) 21.08.2023 Present: Mr. Dev Raj, Advocate, for the plaintiffs.

Mr. Ajeet Jaswal, Advocate vice Mr. Janesh Gupta, Advocate, for the defendant.

As per office report steps for summoning PWs have not been taken. Learned counsel for the plaintiffs seeks some more time for taking the steps.

Let the steps be taken within one week thereafter the process be issued for service of plaintiff witnesses for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 21st August, 2023 (Pritam) CMPMO No. 4854 of 2019 in RSA No.164 of 2019 23.08.2023 Present: Mr. Sumit Sharma, vice counsel for Mr. Romesh Verma, Senior Advocate for the applicant/appellant.

Mr. Het Ram Thakur, learned vice counsel for the respondent.

The learned vice counsel for the applicant has submitted that the remaining AWs i.e., Sh. Sunil Kumar could not be produced in the Court today for adducing his evidence due to the inclement weather and blockade of the roads at different places. He further submitted that on the next date of hearing, the applicant will produce Sh. Sunil Kumar on its own responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the remaining AWs.

Paras Doger Registrar (Judicial) 23rd August, 2023 (Chander) 24.08.2023 Present: Ms. Sunaina, Deputy Advocate General for the petitioners/objector/non-applicant. Mr. T.S. Bhogal, Advocate, for the respondent/applicant.

Learned for the respondent/applicant has moved an application for furnishing the solvent security bonds in compliance to the order dated 04.05.2022. The security bond of Shri Ashutosh Jhina S/o Shri J.C. Jhina has been furnished alongwith the copies of Jamabandies for the year 2016-2017 obtained on 05.07.2023 alongwith the certificate of the President of Pine Breeze Co- operative Society, list of share capital and deposit of the share holders in the Society as well as reports of the Patwari of the concerned Patwar Circle and the circle rates of the land in the concerned area. As per the Jamabandies the land comprised in Khata Nos. 22,23 and 24, Khatauni No. 30,33 and 34,

belongs to the Pine Breeze Cooperative Society. As per the certificate issued by the President Pine Breeze Co-operative House Society, Shri Ashutosh Jhina is the Member of the said society and is share holder in the land mentioned in the above said Jamabandies to the extent of 1/12 share. Further, as per the certificate Shri Ashutosh Jhina is holder of the land measuring 2 Bighas and 6 Biswas and the value of the same is Rs.1,05,95,554.80 according to the value calculated on the basis of Govt. circle rates 2023-2024. As per the note mentioned in the Jamabandies annexed with the application, the said land is free from all encumbrances. Shri Ashutosh Jhina respondent/ applicant has been duly identified by Shri T.S. Bhogal, Advocate. In the affidavit Shri Ashutosh Jhina has deposed that his share in the above said property is free from all encumbrance as of date and he will not transfer or alienate the above said property in any manner till the final disposal of the present petition.

I have gone through the order dated 04.05.2022, 11.04.2023 and 04.05.2023 and the documents annexed with the application for furnishing the solvent security bonds. Accordingly, the solvent security bonds furnished by the respondent/applicant is duly attested and accepted by me.

Let the matter be processed further in compliance to the order dated 04.05.2022 of the Hon'ble Court. All the papers be tagged with the file.

Paras Doger Registrar (Judicial) 24th August, 2023 (Pritam) Criminal Appeal No. 405 of 2019 Statement of HHC Subhash Chand No. 779, Police Post Taklech, Police Station Rampur, District Shimla, H.P. On Oath 24.08.2023 Stated that on 23.02.2023, the MC, Police Post Taklech, handed over me proclamation notice for affixing the same at some conspicuous place of Village Khurbai in which Raj Kumar used to reside.

In compliance to that I affixed the copy of proclamation at Bus Stop Khorbai and the proclamation was read over to the general public present at that time in the presence of Sushma Devi and Poma Devi. On the same day, i.e. on 23.02.2023, the second copy of proclamation notice was affixed at Gram Panchayat Kuhal in the presence of Up-Pardhan Mahender Singh and the same was read over to the general public present there at that time. The signatures of Up-Pardhan were obtained on the copy of proclamation. Further, on 24.02.2023, the third copy of the proclamation notice was affixed on the Notice Board of the Session Court Rampur, District Criminal Appeal No. 405 of 2019 Shimla, H.P., in the presence of HASI Bhupesh No. 1267 and the signature of HASI was obtained on the copy of the proclamation notice. Thereafter, affixation of proclamation notices at the respective places, I send the compliance report to the Police Station Rampur.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th August, 2023.

(Pritam) Criminal Appeal No. 405 of 2019 24.08.2023 Present: Ms. Sunaina, Deputy Advocate General for the appellant.

None for the respondent.



Statement of HHC Subhash Chand, Serving Officer, who has published the proclamation is recorded today.

Let the case be listed before the Hon'ble Court on the date already fixed.

Paras Doger Registrar (Judicial) 24th August, 2023 (Pritam) 24.08.2023: Present: None for the petitioner/DH Shri Het Ram, Advocate vice Mr. Sanjeev Sood, Advocate, for respondent/JDs.

Steps for issuing proclamation and warrant of sale have been taken. Let the warrant of sale be issued as per the following schedule:-

I. Date of Proclamation - 15.09.2023

2. Sale of property - 16.10.2023

3. Report - 01.11.2023 Paras Doger Registrar (Judicial) 24th August, 2022 (Pritam)

25.08.2023: Present: Mr. Peeyush Verma, Advocate, for the plaintiff.

Mr. Amit Himalvi, vice Mr. M.S. Katoch, Advocate, for defendants No. 1 and 2.

As per office report summons issued for the service of PWs mentioned at Sl. No. 1 to 3 in the list of witnesses are still awaited. Learned counsel for the plaintiff submits that none of the witnesses has appeared or contacted him today. Learned counsel further submits that he will bring the plaintiff on the next date of hearing for adducing his evidence on self responsibility. Let one witness at Sl. No. 1 in the list of witnesses be also summoned for the said date on old PF.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of the plaintiff's evidence.

Paras Doger Registrar (Judicial) 25th August, 2022 (Pritam) 26.08.2023: Present: None.

It appears that today the case has been inadvertently fixed for evidence since it is Saturday and non-working of the Court.

As per office report, summons issued to the additional PW for today is still awaited. Let fresh summons be issued for service of additional PW on the old PF for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 26th August, 2022 (Pritam) CMP(M) No.10109 of 2020 in RSA No. 453 of 2008 28.08.2023: Present: Mr. Shekhar Badola, learned vice counsel for the respondent/applicant.

Mr. Tarun Brakta, learned vice counsel for appellant/non-applicant.

As per office report the list of witnesses, PF, road and diet money has not been deposited for summoning the witnesses. The learned vice counsel for the applicant/respondent seeks two weeks' time for taking the steps.

Let the steps be taken within two weeks. Thereafter, the process be issued for the service of AWs, for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 28th August, 2022 (Chander) 29.08.2023 Present: Ms. Tanu Chauhan, Advocate, vice Mr. Ajay Kumar Dhiman, Advocate, for the plaintiff.

Mr. R.L. Verma, Advocate, for defendants No. 1 and 3.

None for defendant No.2.

As per office report, steps for summoning of the plaintiff's witnesses have not been taken, therefore, the summons could not be issued. Neither the plaintiff nor any witness is present today.

Learned counsel for the plaintiff seeks some more time to take steps for PWs. As per office report, list of witnesses has been filed but the plaintiff has neither filed the process fee nor deposited road and diet money despite four opportunities granted by the Additional Registrar (Judicial). Therefore, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 29th August, 2023 (Pritam) PW-1. Statement of Shri Chuni Lal, Senior Assistant Electrical Sub Division, Sanjauli, Shimla, Himachal Pradesh.

On Oath 31.08.2023 Stated that I am posted as Senior Assistant in the office of Assistant Engineer (Electrical) Sub Division Sanjauli, Shimla from the year 2004. I have brought the requisitioned record. The Account No. of electricity connection of Smt. Vidya w/o Shri Tarlok Chand bearing contact No. SSK1000029. the said electricity meter is installed in Kothi Vakil Khanna, Shankli, Shimla-1. The file pertaining to the said account number of Smt. Vidya Devi is not traceable in our office due to the outbreak of the fire in our office in the year 1988. I have brought the certificate pertaining to the destruction of record which is Ex.

PW1/A., and the same has been duly issued by the Assistant Engineer. (Objected to on the ground of mode of proof). The Assistant Engineer Shri Parmod Sharma has signed Ex.PW1/A, in red Circle-A. He is competent to issue this certificate. I have also brought the certified copy of the Ledger Account EX. PW1/B, pertaining to the electricity connection of aforesaid Vidya Devi. (objected to on the ground of mode of proof). Ex.PW1/B has been issued by Assistant Engineer City Electrical Sub Division under his signature. The signature of the Assistant Engineer duly identified by me which is in red Circle -A (two leaves). The application as well as sanction order have been burnt during the outbreak of the fire in the year 1988.

The application and the sanction order as well as file pertaining to the installation of the electricity connection in favour of Shri Tarlok Chand has also been burnt in the said fire. The certificate

pertaining to the destruction of the said file is Ex.

PW1/A. I have brought the Ledger Account Ex.PW1/C duly issued by the Assistant Engineer pertaining to Account Number DBAL1000467, installed in building known as Kothi Vakil Khana Shankli, Shimla-1.

I have brought the copy of application, Service Connection order dated 28.08.1997 of electricity connection pertaining to Shri Rakesh Kumar S/o Shri Tarlok Chand bearing Account No. 1111400497, ID No. 100001133373, installed in building known as Kothi Valik Khaana, Shankli, Shimla-1. I have not brought the original record pertaining to the above said copies, which are Mark-X (application two leaves), Test Report Mark Y and Sanction Order Mark Z alongwith Estimate Mark Z1 as well as NOC Mark Z2. I have also brought the certified copy Ex. PW1/D (six leaves) of the Ledger Account of electricity connection pertaining to Shri Rakesh Kumar. The electricity bills of the above mentioned electricity connections of Vidya Devi, Rakesh Kumar and Tarlok Chand are Mark X-1 to X-

11. At this stage, learned Senior Counsel for the plaintiff submits that the recording of the statement of witness be deferred as the objection has been raised by the learned Senior Counsel for the defendant No.1, as the original record has not been brought.

Accordingly, the statement of this witness is deferred for today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 31st August, 2023.

(Pritam) PW-2. Statement of Ms. Babli Dharta, Registration Clerk, O/o Sub Registrar Shimla, (Urban), D.C. Office, Shimla-1.

On Oath 31.08.2023 Stated that I am working as Registration Clerk in the Office of Sub Registrar, Shimla (Urban), D.C. Office, Shimla from the year 2018. I have brought the requisitioned record. As per the record brought by me the Sale Deed having Registration No. 141, was registered in our office on 28.06.1996, certified copy of which is Ex. PW2/A. (Objected to on the ground of mode of proof). As per my record, Ex-

PW2/A is true and correct copy issued by the Sub Registrar (Urban), Shimla. I have also brought the original record pertaining to Sale Deed No. 307, dated 15.12.1992, duly registered in the office of Sub Registrar (Urban), Shimla. As per my record the certified copy of the said Sale Deed is Ex. PW2/B. (Objected to on the ground of mode of proof). As per my record, Ex-PW2/B is true and correct copy issued by the Sub Registrar (Urban), Shimla.

xxx xxx By Shri Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for defendant No.1.

It is correct that I am not aware who was Sub Registrar Shimla (Urban) on 28.06.1996 and 15.12.1992. At the time of registration of Sale Deed two original copies are being submitted in the

Registration Office, out of which one copy is retained and pasted in the concerned Book kept in the Registration Office and the second copy is returned to the parties after due registration. I have brought the second office copies of the Sale Deeds, which were kept in our office at the time of registration. It is correct that when the above said sale deed were registered in the office of Sub Registrar Shimla (Urban), I was not present in that office at that time. I cannot identified the signatures of the then Sub Registrar, who had appended his signature on the above said sale deed. It is correct that I also cannot identified the signature of the person who has certified the copies on the above said sale deeds.

xxx xxx xxx By Shri Vaibhav Tanwar, Advocate for defendant No.2 I adopt the cross examination conducted by defendant No.1.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 31st August, 2023.

(Pritam) PW-3. Statement of Shri Durgesh Kumar, O/o Architectural Branch, Municipal Corporation, Shimla.

On Oath  
31.08.2023

Stated that I am working as Junior

Engineer in the Office of Architectural Branch of Municipal Corporation, Shimla from the year 2021. I have not brought the entire original record since the original file is not traceable in our office as of today.

At this stage, learned Senior Counsel for the plaintiff prays to defer this witness due to the non-availability of the original record.

Accordingly, the witness is deferred for today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 31st August, 2023.

(Pritam) Civil Suit No. 24of 2016 31.08.2023 Present: Shri Ashok Sood, Senior Advocate with Mr. Khem Raj, Advocate, for the plaintiff.

Shri Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri for defendant No.1.

Shri Vaibhav Tanwar, Advocate for defendant No.2.

Learned counsel for the plaintiff seeks exemption from examining the plaintiff at the first instance to which the learned opposing has no objection.

Statement of Ms. Babli Dharta, Registration Clerk from the office of Sub Registrar, Shimla (Urban) recorded today as PW-2. PW-1, Shri Chuni Lal, Senior Assistant from the office of Assistant

Engineer, Sub Division Sanjauli, Shimla and PW-3, Shri Durgesh Kumar, Junior Engineer from the office Architectural Branch, Municipal Corporation, Shimla, are deferred due to non-availability of the original record today. PW1 and PW3 are deferred for today and be summoned on the next date of hearing to be fixed by the Additional Registrar (Judicial) on taking fresh steps within fifteen days.

Paras Doger Registrar (Judicial) 31st August, 2023 (Pritam) 31.08.2023 Present: Shri Balwant Singh Thakur, Advocate, for the plaintiff.

Shri Divya Raj Singh, Advocate, for the defendants.

As per the office report, replication to the written statement on behalf of the plaintiff is still awaited. Learned counsel for the plaintiff submits that he has filed replication alongwith the additional documents on the same day i.e., on 04.08.2023. However, due to some objections raised by the Registry it was still pending in the Scrutiny Section. He further submits that now he has removed the objections and has re-filed the replication.

Learned counsel for the defendants submits that since some additional documents have been furnished alongwith the replication, therefore, he will do the admission/denial on the next date of hearing, when all the documents will come on record.

Since the actual date has been given by the Hon'ble Court for admission and denial of the documents, therefore, the undersigned has no authority to extend or grant the time for admission and denial of the documents filed by the parties, therefore, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 31st August, 2023 (Pritam) 01.09.2023 Present: Shri Amit Sharma, Advocate, for the plaintiff.

Shri Shivam Vashishth, Advocate, vice Shri H.C. Upadhaya, Advocate, for the defendant.

Learned counsel for the plaintiff submits that due to inadvertence he forgot to inform his client today's date due to which he could not come to the Court for adducing his evidence. He further submits that he will positively inform his client about the next date of hearing and he will appear on the next date of hearing on self responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of plaintiff's evidence/cross examination.

Paras Doger Registrar (Judicial) 1st September, 2023 (Pritam) 01.09.2023 Present: Shri Ajeet Jaswal, Advocate, vice Shri Janesh Gupta, Advocate, for the plaintiff.

Shri Jagdish Thakur, Advocate, for the defendants.

Learned counsel for the defendants submits that due to inadvertence he forgot to inform his clients about the date of the evidence due to which they could not come to the Court for adducing their evidence. He further submits that they will be informed positively about the next date of hearing and further undertake to produce them on the next date of hearing.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of defendant's evidence.

Paras Doger Registrar (Judicial) 1st September, 2023 (Pritam) 04.09.2023 Present: Shri Ashok Sood, Senior Advocate with Mr. Khem Raj, Advocate, for the plaintiffs.

Shri Het Ram Advocate, vice Mr. Sanjeev Sood, Advocate, for defendants No. 4, 5 and has submitted that the witness Ms. Poonam, who has come from the Court of Rent Controller, Shimla has not brought the requisitioned record as the particulars furnished by the defendants qua that witness are wrong. Learned vice counsel for defendants No.4 to 6, seeks time for furnishing the correct particular of the witness who has to bring the file pertaining to Rent Case No. 341 of 2014 within fifteen days. Request is considered and allowed.

The witness Ms. Poonam is discharged accordingly. Let the case be listed before Additional Registrar (Judicial) for fixing the date of defendants evidence.

Paras Doger Registrar (Judicial) 4th September, 2023 (Pritam) PW-3. Statement of Shri Durgesh Kumar, O/o Architectural Branch, Municipal Corporation, Shimla.

On Oath  
31.08.2023

Stated that I am working as Junior

Engineer in the Office of Architectural Branch of Municipal Corporation, Shimla from the year 2021. I have not brought the entire original record since the original file is not traceable in our office as of today.

At this stage, learned Senior Counsel for the plaintiff prays to defer this witness due to the non-availability of the original record.

Accordingly, the witness is deferred for today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 31st August, 2023.

(Pritam) OMP(M) 42 of 2016 in RSA No. 4272 of 2013 05.09.2023 Present: Shri Kusum Chaudhary, Advocate, for the applicants.

Shri Het Ram Thakur, Advocate, vice Mr. Sanjeev Sood, Advocate, for non-applicants Shri Ajay Vaidya, Advocate, for non- applicant respondent No.4.

Shri Vishwas Kaushal, Advocate, vice Shri Suneet Goel, Advocate, for non-applicant- respondent No.5.

One witness Shri Hira Lal is present today but learned vice counsel for the non-applicant seeks adjournment on the ground that the original senior counsel is out of station. Learned counsel for the applicants has no objection in case the adjournment is granted. Accordingly, the matter is adjourned for today for the AWs.

Learned counsel for the applicant submits that she will bring sole remaining witness Shri Hira Lal on the next date of hearing for adducing his evidence.

As per the list of witnesses the other witnesses have already been examined. Let the case be listed before Additional Registrar (Judicial) for fixing next date for remaining AWs.

Paras Doger Registrar (Judicial) 5th September, 2023 (Pritam) 06.09.2023 Present: None.

As per the office report, steps for the plaintiffs ex-parte evidence have not been taken, due to which the summons could not be issued. The perusal of case file shows that three opportunities for taking the have already been granted to the plaintiffs but needful has not been done.

Let the case be listed in the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 6th September, 2023 (Pritam) 06.09.2023 Present: None.

As per the office report, steps for the plaintiffs ex-parte evidence have not been taken, due to which the summons could not be issued. The perusal of case file shows that three opportunities for taking steps have already been granted to the plaintiffs but needful has not been done.

Let the case be listed in the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 6th September, 2023 (Pritam) 08.09.2023 Present: Shri Het Ram Thakur, Advocate, for the plaintiff.

Ms. Sharutika Chauhan, Advocate vice Shri. Dheeraj Vashishth, Advocate, for the defendants.

As per the office report, steps for summoning the plaintiff's witnesses have not been taken. Learned counsel for the plaintiff seeks some more time for taking the steps.

Let the same be taken within fifteen days. Thereafter process be issued for the service plaintiff's witnesses for 02.11.2023 and not more than two witnesses be summoned on the said date.

Paras Doger Registrar (Judicial) 8th September, 2023 (Pritam) 08.09.2023 Present: Shri Karun Negi, Advocate, vice Mr. Karan Singh Kanwar, Advocate, for the plaintiff.

Mr. Ashok Tyagi, Advocate, for defendant No.1.

As per office report, steps for summoning of the remaining plaintiff's witnesses have not been taken due to which the summons could not be issued.

Learned vice counsel for the plaintiff prays fifteen days time to do the needful. Allowed. Needful be done within fifteen days. Thereafter, the process be issued for service of remaining PWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 8th September, 2023 (Pritam) CMP(M) No. 1533 of 2019 in RFA 11.09.2023 Present: Shri Visshvinder Singh, Advocate, vice Shri Kulbhushan Khajuria, Advocate, for the plaintiff.

Ms. Sunaina, Deputy Advocate General, for respondent No.1.

Mr. Sumit Sharma, Advocate, vice counsel for respondent No.2.

Learned vice counsel for the applicants submits that no AWs are present today and seeks some more time to produce the AWs for their examination. The perusal of Part-B of the case file shows that five opportunities have already been granted to the applicants for producing his witnesses on self responsibility but needful has not been done till date.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders Paras Doger Registrar (Judicial) 11th September, 2023 (Pritam) CMP(M) No. 1532 of 2019 in RFA 11.09.2023 Present: Shri Visshvinder Singh, Advocate, vice Shri Kulbhushan Khajuria, Advocate, for the plaintiff.

Ms. Sunaina, Deputy Advocate General, for respondent No.1.

Mr. Sumit Sharma, Advocate, vice counsel for respondent No.2.

In compliance of the order dated 25.05.2022, of the Hon'ble Court, list alongwith CMP(M) No. 1533 of 2019.

Paras Doger Registrar (Judicial) 11th September, 2023 (Pritam) 12.09.2023 Present: Shri Vinod Gupta, Advocate, for the plaintiff.

None for the defendant No.1.

Shri Arvind Sharma, Advocate, for defendant No.2.

As per office report, steps for the plaintiff's evidence has not been taken. Learned counsel for the plaintiff seeks some more time to do the needful.



Let the steps be taken within fifteen days, thereafter, the matter be listed before Additional Registrar (Judicial) for fixing the date of plaintiff's evidence.

Paras Doger Registrar (Judicial) 12th September, 2023 (Pritam) 13.09.2023 Present: Shri Sumit Sharma, Advocate, vice counsel for the petitioner.

Ms. Kusum, Advocate, vice Ms. Seema K. Guleria, Advocate, for the respondents.

Learned vice counsel for the petitioner submits that the witnesses are not present today. However, the remaining PWs will be brought by the next date of hearing on self responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the next date for recording the statement of remaining PWs.

Paras Doger Registrar (Judicial) 13th September, 2023 (Pritam) 14.09.2023 Present: Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for the plaintiffs. Shri B. R. Sharma, Advocate, for the defendant.

Learned counsel for the defendant submits that he will produce the defendants evidence on the next date of hearing on self responsibility. He seeks adjournment for today. Allowed.

Let the case be listed before Additional Registrar (Judicial) for fixing the next date for recording the statement of defendant's witnesses.

Paras Doger Registrar (Judicial) 14th September, 2023 (Pritam) Order sheet Civil Suit No. 95 of 2020 a/w CS 108 of 2021 15.09.2023 Present: Shri Ravi Kumar, vice Shri Maan Singh, Advocate, for the plaintiff.

Shri Janmajai Chauhan, Advocate, vice Shri Sunil Mohan Goel, Advocate, for the defendants.

As per office report, process fee for summoning the plaintiff's witnesses has been filed but the diet money has not been deposited due to which the summons have not been issued.

Learned vice counsel for the plaintiff submits that they have filed the list of witnesses on 04.08.2023 alongwith the Process Fee. But the list of witnesses is not on record. However, the PF has been placed on the file. The list of witnesses has been supplied by the learned vice counsel for the plaintiff, which is taken on record. As per the list of witnesses the plaintiff will produce the witnesses at their own responsibility, therefore, there is no need to summon any witness and to deposit the diet money. Learned vice counsel seeks time for recording the evidence of PWs.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of plaintiff's witnesses on which date the plaintiff will produce the witnesses on self responsibility.

Paras Doger Registrar (Judicial) 15 th September, 2023 (Pritam) PW-2. Statement of Ms. Babli Dharta, Registration Clerk, O/o Sub Registrar Shimla, (Urban), D.C. Office, Shimla-1.

On Oath 15.09.2023 Stated that I am working as Registration Clerk in the Office of Sub Registrar, Shimla (Urban), D.C. Office, Shimla from the year 2018. I have brought the requisitioned record. As per the record brought by me the Sale Deed having Registration No. 141, was registered in our office on 28.06.1996, certified copy of which is Ex. PW2/A. (Objected to on the ground of mode of proof). As per my record, Ex-

PW2/A is true and correct copy issued by the Sub Registrar (Urban), Shimla. I have also brought the original record pertaining to Sale Deed No. 307, dated 15.12.1992, duly registered in the office of Sub Registrar (Urban), Shimla. As per my record the certified copy of the said Sale Deed is Ex. PW2/B. (Objected to on the ground of mode of proof). As per my record, Ex-PW2/B is true and correct copy issued by the Sub Registrar (Urban), Shimla.

xxx xxx xxx By Shri Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for defendant No.1.

It is correct that I am not aware who was Sub Registrar Shimla (Urban) on 28.06.1996 and 15.12.1992. At the time of registration of Sale Deed two original copies are being submitted in the Registration Office, out of which one copy is retained and pasted in the concerned Book kept in the Registration Office and the second copy is returned to the parties after due registration. I have brought the second office copies of the Sale Deeds, which were kept in our office at the time of registration. It is correct that when the above said sale deed were registered in the office of Sub Registrar Shimla (Urban), I was not present in that office at that time. I cannot identified the signatures of the then Sub Registrar, who had appended his signature on the above said sale deed. It is correct that I also cannot identified the signature of the person who has certified the copies on the above said sale deeds.

xxx xxx xxx By Shri Vaibhav Tanwar, Advocate for defendant No.2 I adopt the cross examination conducted by defendant No.1.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 31st August, 2023.

(Pritam) 15.09.2023 Present: Sh. Tarunjeet Singh Bhogal with Ms. Swati, Verma, Advocates for the plaintiff. Sh. Vikas Jain with Ms. Pragti, Advocate for defendants No. 1 ,6 an d ,7.

None for the defendants No. 2, 3 and 8.

Defendants No. 4 and 5 ex-parte Sh. Mandeep Sandhu Authorized representative of defendants No. 1, 6 and 7 is present. Learned counsel for the defendant submits that due to inadvertence Sh. Mandeep Sandhu has not brought the original documents, which are required to be produced and exhibited in his evidence. Therefore, he seeks adjournment for today.

Learned counsel for the plaintiff has not objected prayer made by the learned counsel for the defendant. Accordingly , the matter is adjourned for today. Learned counsel for the defendants further submits that he will produce the defendant on the next date of hearing on its own responsibility.

Let the case be listed before the Additional Registrar (J) for fixing the date of defendants evidence.

Paras Doger Registrar (Judicial) 15th September, 2023 (Pritam) CMP(M) No. 1169 of 2022 in RSA No. 31 of 2020 16.09.2023 Present: Sh. Janesh Gupta, Advocate, for the applicant.

Sh. Raj Kumar Negi, Advocate, for respondent No.1 Respondents No. 2 to 4 ex-parte.

As per order dated 21.08.2023, of the Hon'ble Court, the matter was directed to be listed before the undersigned on 05.09.2023. However, as per report of the Dealing Assistant, the matter could not be listed on 05.09.2023 as the case file was got mixed up with another matter and the Dealing Assistant has regretted for the same. The case is listed before the undersigned today.

Further, as per the office report steps have not been taken and the PF, Road and Diet Money and List of the Witnesses are still awaited. Learned counsel for the applicant seeks one week's time to do the needful. Prayer is considered and allowed.

Let the steps be taken within one week, thereafter the process be issued for the service of the applicant's witnesses for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 16th September, 2023 (Pritam) 18.09.2023 Present: Sh. Praveen Chandel, Advocate, for the plaintiffs alongwith Shri Surinder Singh and Shri Raj Kumar (Plaintiffs).

Sh. G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate for defendant No.1 and 2 alongwith Shri Ramesh Chand (Defendant).

Ms. Sunaina, Deputy Advocate General for defendant No.3.

Learned counsel for the parties have submitted that there are chances of amicable settlement between the parties and no fruitful purpose will be served as of today by recording the evidence of the plaintiffs. Learned counsels requested that the matter be listed in the Court.

In view of the statement of the learned counsel let the matter be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 18th September, 2023 (Pritam) Statement of Sh. Dhreej Goel, S/o Shri A.K. Goel, aged 47 years, R/o Goel Niwas Power House Road, Saproon, Solan, District Solan, H.P. On Oath 18.09.2023 State that I have filed the proceedings under Section 72 of the H.P., of the Co-operative Societies Act before the Assistant Registrar Co-operative Society, Solan, and the petition bears my signature, which have been identified by me today. I have also filed evidence by way of affidavit in that petition and the affidavit also bears my signatures. I was cross examined to

my evidence on 19.08.2009 and on that cross examination I have appended my signatures. I have also seen Vakalatnama in the file of the proceedings under Section 72 of the H.P. Cooperative Societies Act and the Vakalatnama also bears my signature.

In the Appeal No. 25 of 2013, filed before Registrar Co-operative Societies by Solan District Truck Operators transport society, I have filed the reply alongwith its affidavit. The reply as well as affidavit bears my signatures. The Vakalatnama in Appeal No. 25 of 2013 also bears my signature.

In the Revision No. 25 of 2014, filed under Section 94 of the H.P. Co-operative Societies Act filed by Solan District Truck operators transport societies (SDTO), I had executed Vakalatnama by appending my signature. I have seen my signature in that Vakalatnama today.

In the Writ Petition No. 4069 of 2015 titled as SDTO versus Dheeraj Goel, I executed the Vakalatnama by appending my signature. Thereafter on account of change of my counsel I executed one another Vakalatnama on 16.08.2021, which also bears my signature. In the said writ petition, the reply filed on my behalf which is supported by affidavit does not bear my signature. In the said writ petition my newly engaged counsel had filed CMP No. 16920 of 2022, application filed by my counsel, which is supported by affidavit and the affidavit bears my signatures.

In LPA No. 29 of 2023, filed by SDTO I authorize learned counsel to represent me by executing Vakalatnama, which also bears my signatures.

I have seen all the above mentioned signatures, which have been signed by me.

Paras Doger Registrar (Judicial) R.O & AC 18.09.2023 Statement of Sh. Harpreet Singh, S/o Shri Ajmer Singh, aged 53 years, R/o Brar Road Solan, District Solan, H.P. On Oath 18.09.2023 State that I have filed the proceedings under Section 72 of the H.P., of the Co-operative Societies Act before the Assistant Registrar Co-operative Society, Solan, and the petition bears my signature, which have been identified by me today. I have also executed the Vakalatnama on 06.01.2009, which bears my signature. I cannot say that the affidavit in evidence dated 08.07.2009, filed on my behalf bears my signatures or not. In the cross examination appended on the said file, I identify my signatures. In the rejoinder filed in that proceedings, I identify my signature.

I had filed application for execution of the award dated 13.10.2009, before learned Assistant Registrar H.P. Co-operative Societies. The application bears my signatures (in Punjabi). The Vakalatnama in that proceedings also bears my signature.

The SDTO had filed an Appeal No. 26 of 2013, against the order dated 17.08.2013, passed by learned ARCS Solan, in which reply had been filed on my behalf. I cannot say that the reply bears my signature or not I have some doubt about the signature. I am also doubtful regarding my signatures on the affidavit in support of the reply. I am also doubtful about my signature on the application filed under Section 151 CPC in that appeal. I am also doubtful about my signature on the Vakalatnama in that appeal. In the signatures which are appended in Punjabi I am doubtful about the shape of the word 'Ra' in my signature spelled as 'Harpreet'.

In the Revision Petition No. 24 of 2014 under Section 94 of H.P. Co-operative Societies Act I have seen my signature on the Vakalatnama and I am also doubtful about my signature as stated above.

In CWP No. 4098 of 2015, I have seen my signature on the affidavit appended with the reply and I am also doubtful about my signature as stated above. In this writ petition I had executed Vakalatnama dated 14.12.2015, I have seen my signature in it and I identify my signature. On account of change of counsel in that proceeding I executed another Vakalatnama on 15.08.2021, which bears my signature. I have seen my signature on the Vakalatnama dated 15.08.2021 and it is my short signature.

In LPA No. 32 of 2023, I had filed reply to CMP No. 7476 of 2023, for the application filed Section 151 CPC duly supported by affidavit and the affidavit bears my short signature. The Vakalatnama dated 02.05.2023, in the said LPA also bears my signature.

Paras Doger Registrar (Judicial) R.O & AC 18.09.2023 CMP No. 2831 of 2021 in RSA No. 511 of 2016 Statement of Sh. Jitender Singh, S/o Late Shri Khem Singh, aged 58 years, R/o Jagjeet Niwas Brar Road Solan, District Solan, H.P. On Oath 20.09.2023 State that in the application for execution of the award dated 14.09.2009, passed by Assistant Registrar Co-operative Society Solan, Shri Dheeraj Goel, had authorized me through GPA to sign the application. Accordingly, I appended my signature on the said application dated 22.03.2013, I have seen my signature on the said application. The GPA and Vakalatnama bears my signatures.

Paras Doger Registrar (Judicial) R.O & AC 20.09.2023 LPA NOs. 29 & 32 of 2023 18.09.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate, with Mr. Rakesh Chauhan, Advocate, for the appellants.

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Jaswal, Advocate and Mr. Pranjal Munjal, Advocate for respondent No.3 In compliance to the order dated 18.09.2023, the statement of Shri Dheeraj Goel, Shri Harpreet Singh and Shri Jitender are recorded.

Let the statements of the above said persons be placed on record and as directed list the matter before the Hon'ble Court on 25.09.2023.

Paras Doger Registrar (Judicial) 18th September, 2023 (Pritam) CMP(M) 1363 of 2022 in RSA 19.09.2023 Present: Mr. Atul Kumar, Advocate, for the applicant.

Ms. Rinki Kashmiri, Advocate for respondent No. 1.

Respondents No. 3 and 4 ex-parte.

As per the office report, steps i.e. list of applicants witnesses, road and diet money etc. have not been filed. Two opportunities have already been granted.

Learned counsel for the applicant seeks some more time to do the needful. Let the steps be taken within seven days thereafter the process be issued for service of applicant evidence for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 19th September, 2023 (Pritam) CMP No.2831 of 2021 in RSA No.511 of 2016 20.09.2023 Present: - Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate for the applicants.

Shri Ajeet Jaswal, Advocate, for the non- applicant-respondent.

Shri Kanshi Ram, sole witness is present today, but learned counsel for the non-applicant prays for adjournment on the ground that due to demise in the relation of the original senior counsel, he is not available in the Court today to cross examine the witness. Learned opposing counsel did not oppose the request of the learned counsel for the non- applicant. Accordingly, the matter is adjourned for today.

Learned counsel for the applicant submits that he will produce the witness Shri Kanshi Ram on the next date of hearing on self responsibility.

Let the case be listed before the Additional Registrar (Judicial) for fixing the next date for remaining AW.

Paras Doger Registrar (Judicial) 20th September, 2023 (Pritam) 22.09.2023 Present: - None for the plaintiff.

Shri Pranjal Munjal, learned vice counsel for the defendant.

As per office report diet money for summoning the plaintiff's witnesses has not been deposited.

Let the needful be done within three weeks. Thereafter, the process be issued for service of the plaintiff's witnesses for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 22nd September, 2023 (Pritam) PW-2 Statement of Ms. Jyoti Kaushik W/o Shri Pankaj Kaushik, aged 48 years, R/o Village Chakkarpur, Gurgaon, Haryana.

On Oath 03.10.2023 State that I am Director of Andaz Resort at Kaithalighat, Solan. Vide Board resolution dated 15.02.2016, Ex.PW2/A, (original seen and returned). The plaintiff Resort had entered into a lease for the period of five years vide lease agreement Ex.PW2/B-1 with the defendant No.1 on 24.01.2014. As per the agreement the lease was for the period of five years and the lease amount was Rs.21,00,000/- (Rs. Twenty one lacs only) per annum. At the time of entering into the lease agreement an amount of Rs.1,00,000/- (Rs. One lac) as token money was handed over to defendant No.1 through cheque. The second cheque dated 01.02.2014 amounting to Rs. 9,50,000/- (Rs. Nine lacs fifty thousand) was also handed over to the defendant No.1 (Chaman Lal) as per the lease agreement. Third cheque dated 30.06.2014, amounting to Rs.10,50,000/- (Rs. Ten lacs fifty

thousand) was again handed over to defendant No.1 in compliance to the lease agreement. Till July 2015, the plaintiff-Resort paid total amount of Rs.40,60,000/- (Rs. Forty lacs sixty thousand) which includes Rs.3,90,000/- as TDS amount for the period of two years. Last TDS amount of Rs.1,80,000/- was paid by the plaintiff to defendant No.1 account on 31.03.2016. We have entered into the lease agreement with the defendant No.1 for the purpose of running the Hotel in the premises. Thereafter, we make certain minor renovations in the premises and purchases for running the Hotel business. We make changes in the washroom fittings, beddings, installed CCTV cameras, computers and purchased utensils etc. We spent about Rs.10,25,000/- lacs (Rs. Ten lacs and twenty five thousand) for the aforesaid purchases and changes. Bills pertaining to the above said purchases were in the Hotel record maintained by the plaintiff. The plaintiff run the above said Hotel till July, 2015. We conducted the business of about one crores ten lacs in the first lease year and about fifty lacs upto July, 2015. The plaintiff remained in the possession of the Hotel till October, 2015. On 17.10.2015, I received a phone call from our General Manager of the Hotel Late Shri Vijay Sarswat on which I alongwith my husband, brother (Shri Deepak Sharma) and my two children, visited the leased property at Manali on 18.10.2015, but the defendant No.1 did not allow us to enter the premises inspite of the subsistence of the lease agreement. Thereafter, we approached the Police Station at Manali, District Kullu, H.P., and the police called defendant No.1 at Police Station, Manali. The police advised us to settle the matter between ourselves as it is of civil nature. Defendant No.1 assured in the presence of the police to resolve the matter amicably but the defendant No.1 was not inclined to settle the matter, so they did not allow us to enter the premises or to come to any settlement. As per terms of the lease agreement the plaintiff was entitled to construct the attic on the top floor of the Hotel premises and also to install the Generator. The plaintiff could not construct the attic as the defendant did not allow us to do so. Moreover, the defendant could not show any permissions from the authorities qua construction of attic and installation of the Generator. Defendant No.1 from June 2015 started to insist the plaintiff for increasing the lease amount. The defendant also pressurize the plaintiff to give some amount for raising the attic on the top floor of the Hotel. We did not acceded to the demands of defendant No.1. After receiving the advance of the lease amount in July 2015, the defendant No.1 started to obstruct the smooth functioning of the Hotel business by taking the raw material etc., inside the Hotel for raising the fifth floor, due to which the customers of the Hotel were feeling inconvenient as the bookings were being cancelled and the plaintiff started suffer losses. Plaintiff repeatedly requesting defendant No.1 to stop causing nuisance but he did not pay any heed to the requests of the plaintiff. Thereafter, on 16.09.2015 defendant No.1 sent a notice to the plaintiff to which the reply has been sent which is mark 'A'. In the reply the plaintiff again requested the defendant to show the permission from the concerned authorities for allowing the plaintiff to raise the attic etc. All the business correspondence regarding booking and the accounts of the said business are being maintained by me on the computer. The copies of the mails regarding the bookings are being annexed as Ex.PW2/C (colly. 97 leaves). (Objected to on the mode of proof). The copy of ledger account is Ex.PW2/D (colly. 19 leaves) (Objected to on the mode of proof). The certificate under Section 65 of the Indian Evidence Act., qua maintaining the above said mails and ledger account is Ex.PW2/E. The plaintiff use to file the income tax return pertaining to the business income of the plaintiff resort through our Chartered Accountant Shri Surinder Babbar. Till when the plaintiff remain in possession of the leased premises all the taxes and bills were being paid by the plaintiff. Due to the discontinuation of the lease agreement by the defendant No.1, the plaintiff-Resort suffered an

amount of about Rs.84,00,000/- (Rs. Eighty four lacs) and also has to loose its good will.

xxx xxx xxx by Shri B.S. Attri, Advocate, for the defendants.

Before filing the suit I have read the plaint. It is correct that at the time of filing this suit the resolution of the Board of Director was not filed with the suit. Self stated that it was filed while filing the replication. It is incorrect that I was not duly authorized/competent to file the present civil suit. At the time of execution of the lease agreement I was personally present in the leased premises. I do not remember the total number of the conditions in the lease agreement. It is correct that in the lease agreement qua renovation of the leased premises. Self stated that the renovation/repairs were necessary for running of the Hotel which were being carried out by the plaintiff with the consent of defendant No.1. It is incorrect that as per term 16 of the lease agreement the lesser had to carryout the repair etc. It is correct that the lease amount was to be paid on or before 30th June, of every lease year. It is correct that for the year 2015-2016, the lease money was not paid up till 30.06.2023. Self stated that the plaintiff have already paid the posted dated cheque to the defendant. I have not annexed any record/cheque qua paying of the post dated cheque with the present suit. It is incorrect that on 01.07.2015, the entire lease money has not been paid to the defendant. It is incorrect that as per the agreement if the lease money was not paid with the stipulated period i.e. 30th June, the lease agreement shall be treated as cancelled. I have disclosed to my counsel while drafting the plaint that we have received a telephonic call from our General manager on 17.10.2015 and we visited Manali on 18.10.2023. We tried to make a written complaint to the police but the police did not accept our written complaint, however, they advised us to settle the matter amicably being civil in nature. It is incorrect that on 18.10.2015, neither we visited Manali nor we went to police station. I never remained as Principal in a private school at Gurgaon, Haryana. I did not file any civil suit at Manali and filed the present suit at Shimla. I have disclosed to my counsel about the inconvenience caused to the Hotel clients due the construction being raised by defendant No.1. We did not made any complaint to any authority regarding inconvenience caused to the plaintiff due the conduct of the defendant. We did not click any photographs regarding the construction and taking the raw material by him through the Hotel premises. It is incorrect that I am deposing false regarding the inconvenience caused to the clients of the Hotel. We started to make the request to defendant from the very first of the lease to provide all the clearances from the authorities for constructing the attic on the top floor. I am not aware that the leased premises is out of the jurisdiction of Town and Country Planning Department. Self stated that the same fact was not disclosed by the defendant. It is incorrect that the plaintiff was never inclined to raise the attic and install the Generator at any point of time. We did not give any notice to the defendant. Self stated that we orally requested the defendant to raise the construction. It is incorrect that during the possession of the lease property the defendant had paid electricity, telephone and luxury taxes. We have mentioned in our income tax return regarding the turnover of the business of our Hotel for the first years 2015-2016. In the year 2015 we have taken this Hotel for the first time on lease, however, Andaz Resorts is a Single Unit. It is incorrect that the income tax returns are for the consolidated businesses of the plaintiff. The plaintiff had paid the luxury tax up-till July 2015. It is incorrect that the plaintiff had not the turnover of Rs.1,10,00,000/- (Rs. One crorer ten lacs) in the first year and Rs.50,00,000/- (Rs. Fifty lacs) in the first half of the second year. It is incorrect that we were not serious in running the Hotel business after the possession of the leased premises. It is incorrect that due to which we only visited



once or twice in the entire period. Self stated that we have engaged General Manager for running of the Hotel and we also use to visit frequently. It is incorrect that we have engaged Shri Vijay Sarswat as our General Manager. I have disclosed to my counsel while drafting the plaint about the expenses being done on the Hotel as well as maintaining the record on the computer. Self stated that the entire record as well as computer were not being allowed to be taken by the plaintiff. We went to the police station to disclose all these facts but we were sent back to come to amicably settle the matter. It is incorrect that since the plaintiff was not serious and was incurring huge expenses, therefore, we abandoned the Hotel September, 2015. It is incorrect while in possession of the leased premises we have broken one wall of the Hotel without the permission of the defendant. It is incorrect that the entire record annexed with the suit is fabricated. It is incorrect that the plaintiff Resort has violated the terms and condition of the lease agreement. It is incorrect that the defendant did not raise fifth floor on the leased premises. It is incorrect that I am deposing false in order to harass the defendant.

Paras Doger Registrar (Judicial) R.O & AC 03.10.2023 03.10.2023 Present: - Shri P.S. Goverdhan, Senior Advocate with Shri Rahul Kukar, Advocate for the plaintiffs.

Shri B.S. Attri, Advocate for the defendants.

Statement of Ms. Jyoti Kaushik, is recorded as PW2. Learned counsel for the plaintiff vide his separate statement has given up Shri Baldev Singh Thakur and Shri Pankaj Kaushik. Learned senior counsel has further submitted that Shri Vijay Sarswat one of the witness mentioned at Serial No.3, has expired.

Let remaining PWs be summoned for the date to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 3rd October, 2023 (Pritam) Statement of Shri Rahul, learned counsel for the plaintiffs.

Without Oath 03.10.2023 State that I give up Shri Pankaj Kaushik and Shri Baldev Singh Thakur, being repetitive in nature.

Paras Doger Registrar (Judicial) 3rd October, 2023 (Pritam) Execution Petition No. 10 of 2019 RW-1 Statement of Shri Yashudeep Singh, DFO Kotgarh, District Shimla aged 35 years.

On Oath 04.10.2023 State that I am posted as DFO Kotgarh from 15th May, 2023. I have brought the relevant record today. As per the available record the then DFO had put in all the efforts to execute of the decree of the Hon'ble Court which was in Civil Suit No. 85 of 1999. As per the order of Court the assessment of the value of the improvement made on the suit land was to be carried out by the official or approved evaluator at the time of eviction. In 2013 the then DFO requested to Director Horticulture to make assessment as per above said judgment. After that Horticulture Development Officer Narkanda, submitted the assessment value Mark 'A' and the total value assessed value was Rs, 5,46,018/- (Rs. Five lacs forty six thousand and eighteen). As per the record Horticulture Development Officer assessed the value on the basis of Harbans Singh formula. After this various

correspondences took place between the Forest Department and the Revenue Department and expenditure sanction of Rs. 5,46,018/- was received from Additional Chief Secretary (Forest) on dated 24.08.2018. As per record, Legal heirs of Shri Vishwa Dev (plaintiff/DH) were requested to attend the office of DFO Kotgarh on dated 12.12.2018, 18.01.2019 and 16.03.2019. The husbands of the daughters/ legal heirs of the petitioner were present on 18.01.2019 through GPA. They were shown the evaluation report, Mark 'A', submitted by Horticulture Development Officer and they were further requested to provide Bank details of the legal heirs of DH so that the said assessed value could be deposited in their Bank Accounts. But no such details were not furnished on 18.01.2019. Later two cheques bearing No. 349355 and bearing No. 349356, dated 27.03.2019 amounting Rs.2,73,009/- each were sent to the legal heirs vide letter dated 27.03.2019. Both the cheques were returned by the daughters/LRs of the DH through Registered Post to DFO office Kotgarh vide Registered letter dated 15.05.2019 and the same were received in the office of DFO Kotgarh on 22.05.2019. Therefore, there is no lapse on the part of the respondent to execute the decree dated 01.12.2004, passed by the Hon'ble High Court of Himachal Pradesh in Civil Suit No. 85 of 2019.

xxx xxx xxx by Shri Hamender Singh Chandel, Advocate, for DH.

As per the record the suit land was allotted as Nautor land to Shri Vishwa Dev (DH). I do not know in the complaint against the Vishwa Dev pertaining to the said allotment the State of Himachal Pradesh has supported the claim of the DH in the Hon'ble High Court as well as in the Hon'ble Supreme Court. It is correct that the said allotment was made to the DH by the Revenue Department. It is correct that in Civil Suit No. 85 of 1999 the Revenue Department was party. I do not know when the Nautor land was allotted to DH. I do not know the classification of the land, ownership and possession of the said land at the time of allotment. Self stated that as per the record of Forest Department the said land is un-demarcated protected forest (UPF). I have not seen the revenue record pertaining to 1973 when the said allotment was made. As per the record before making the evaluation of the said land the site was visited by the Forest and Revenue officials. As per the record the site was visited on 18.06.2014 by Horticulture Development Officer Shri Begh Ram and other Forest and Revenue officials. The designation of the officials of the Revenue Department is not on record. There is no record that intimation qua the visit of the official on 18.06.2014 was given to the legal heirs of the plaintiff/DH. Self stated that there was no such condition in the order of the Hon'ble High Court. When the husbands of the daughters of the DH visited the office of the DFO on 18.01.2019, the note sheet pertaining to the proceeding was prepared and the same were got signed by the parties who were present on that day. The said noting is Ex. DX. It is correct that I am deposing today on the basis of record and I have not personally dealt with the case. It is incorrect that the respondents has failed to comply the order of the Hon'ble Court in letter and spirit and the evaluation report had been made on the lower side in connivance with the Horticulture Department.

Paras Doger Registrar (Judicial) R.O & AC 04.10.2023 Execution Petition No. 10 of 2019 RW-2 Statement of Shri Rajender Singh, Naib Tehsildar Kotgarh, District Shimla aged 46 years.

On Oath  
04.10.2023

State that I am working as Naib

Tehsildar Kotgarh from last two months. As per the record the revenue officials alongwith officials of the Horticulture Department and Forest Department visited the site in the year 2014. The petitioner was also informed at that relevant time. As per record before preparing the evaluation report the Horticulture Department assessed all the things i.e. trees on the site were found. No built up structure was found on the spot. Revenue entry is made in the revenue documents pertaining to structure and nature of the land at the time settlement if structure is found on the spot at that relevant time.

xxx xxx xxx by Shri Hamender Singh Chandel, Advocate, for DH.

The nautor land was allotted to DH in the year 1982. I do not know the state was supporting the claim of the DH in the Court proceedings. It is incorrect that the nautor land was allotted to the DH in the year 1974. As per record the nautor land was classified as Banjar Kadeem-Charagah- Billa Darkhtaan in the year 1974. As per record there were Bartandari rights of the villagers in the said land. Copy of the mutation (Intkaal) dated 16.02.1982 is Ex. DY. The intimation qua association of DH of the spot visit was given to the DH. The record to that effect is not available today with me but I can produce the same later on. As per the record Ex. DY in column of the ownership State of Himachal Pradesh has been mentioned and there is no entry of the Forest Department in the column of ownership as well as possession. It is correct that the revenue department has to identify the boundary of the suit land when the visit was made by the official of the Horticulture and Forest Department.

Paras Doger Registrar (Judicial) R.O & AC 04.10.2023 Execution Petition No. 10 of 2019 Statement of Ms. Ranjna Patial, Deputy Advocate General, High Court of Himachal Pradesh.

Without Oath 04.10.2023 I gave up Ms. Manisha, Halqua Patwari, Patwar Circle Madhawani, Sub Tehsil Kotgarh, District Shimla, being repetitive in nature.

Paras Doger Registrar (Judicial) R.O & AC 04.10.2023 04.10.2023 Present: - Shri Hamender Chandel, Advocate, for the DH.

Ms. Ranjna Patial, Deputy Advocate General, for the respondent-State/JD.

Statement of Shri Yashudeep Singh, DFO Kotgarh and Shri Rajender Singh Naib Tehsildar Kotgarh are recorded as RW/1 and RW/2, respectively. Ms. Ranjna Patial, Learned Deputy Advocate General vide her separate statement has given up RW mentioned at Serial No.4. Learned Deputy Advocate General further submits that due to chest cogession PW at Serial No.3 Shri Begh Ram, HDO, could not put his appearance for adducing his evidence.

Let the remaining RW i.e. Shri Begh Ram be summoned for the next date of hearing to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 4th October, 2023 (Pritam) CW2 Statement of Smt. Bimla Devi W/o Late Shri Dhanvir Singh R/o Mohal Sount, Mauza Har Tehsil Dehra, District Kangra, H.P. aged about 64 years.

On Oath 05.10.2023 Stated that I am house wife and illiterate. However, I can only sign the documents which has been taught by my daughter. Savita is daughter-in-law of my sister-in-law (Jethani). After the death of my son and marriage of my daughter, respondent No.1, came to me on the pretext for obtaining GPA for the partition of joint land and ultimately played fraud as a result whereof, I filed Civil Suit before the learned trial Court at Dehra, which was decreed. The respondents filed the appeal against the order of the trial Court at Dharamshala, which was also dismissed by the appellate Court. Thereafter, in the year 2014, Smt. Savita and Rajinder filed appeal before this Hon'ble Court, which is pending adjudication. The Hon'ble High Court directed the parties vide order dated 10.10.2014 to maintain status quo, qua the nature and possession of the suit land. In spite of the status quo order the respondents by way of family settlement transferred the part of suit land in favour of their daughter Smt. Shweta, vide family settlement Ex.CW1/B. Subsequently, Shri Rajinder transferred the part of suit land to one Shri Amar Nath vide Sale Deed Ex.CW1/C. The respondents were well aware about the status quo order granted by the Hon'ble Court in their application filed by the respondents and in spite of that they have breached the orders of the Hon'ble Court intentionally and willfully.

xxx xxx xxx xxx Shri Mukul Sood, Advocate, for the respondents.

I am not aware about the Khasra numbers of the suit property. I was informed about the status quo order through summons as well as from my Advocate. I am not specifically aware that there was any condition regarding prohibition of selling transferring or encumbering of the said property. It is correct that no construction has been raised by any of the parties or the subsequent purchasers. Self stated that the respondents had sold and transferred the part of suit property in spite of the stay order of the Hon'ble Court. The signatures in the contempt petition along with the affidavit are not mine. Again stated that the signatures are mine. The affidavit accompanying the reply to the application under order 41 Rule 5 and order 39 Rule 1 and 2 in CMP No. 15349 of 2014 are mine. Self stated that my Counsel had taken my signatures on blank paper. I am not aware about the contents of the reply to the above said application filed by me. I am not aware about the contents of the reply filed by the respondents/appellant. It is incorrect that there was no stay order qua transferring or alienating the suit property. It is incorrect that I have instituted the present contempt petition in order to harass the respondents and no disobedience has been done by the respondents.

Paras Doger  
Registrar (Judicial)

R.O & AC  
05.10.2023

Statement of Ms. Salochana Rana,

Advocate, High Court of Himachal Pradesh.

Without Oath  
05.10.2023

Stated that I close the evidence on behalf of the petitioner since the list of witnesses has been exhausted.

Paras Doger Registrar (Judicial) R.O & AC 05.10.2023 COPC 190 of 2019 05.10.2023 Present: - Ms. Salochna Rana, Advocate, for the petitioner.

Shri Mukul Sood, Advocate vice Mr. Sanjeev Sood, Advocate, for the respondents.

Statement of Smt. Bimla Devi is recorded as CW2. Learned counsel for the petitioner vide her separate statement has closed the petitioner's evidence. Learned counsel for the respondents seeks time for respondents evidence.

Let the steps, if any, be taken within fifteen days for RWs. Thereafter the process be issued for the service of RWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 5th October, 2023 (Pritam) 06.10.2023 Present: - Ms. Sunita Sharma, Senior Advocate, with Ms. Lalita Sharma, Advocate for the plaintiff.

Shri Y.P. Sood, Advocate for defendants No. 1 and 2.

None for defendant No.3.

Summons issued to Shri B.C. Sharma, is duly served and he is present today in the Court. However, he submits that he has not prepared the damage report due to which he is unable to adduce his evidence today. He seeks some more time for producing the damage report. Therefore, he is discharged for today.

Moreover, the perusal of order dated 01.03.2023 passed by Registrar (Vigilance) shows that some of the witnesses have been discharged on that day but they have not been re-summoned. The Dealing Assistant is directed to issue the summons to those witnesses who have been discharged vide order dated 01.03.2023 alongwith Shri B.C. Sharma, for the date to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within seven days.

Paras Doger Registrar (Judicial) 6th October, 2023 (Pritam) 07.10.2023 Present: - Ms. Sunaina, Deputy Advocate General, for the petitioner.

Ms. Swati Verma, Id vice counsel for Shri Tarun Jeet Singh Bhogal, Advocate, for the respondents.

Learned counsel for the applicant has moved an application for submission of the solvent security bond in compliance to order dated 08.08.2023 of the Hon'ble Court in Arbitration case No. 43 of 2017. The perusal of the same shows that the documents i.e., certificate of the Canara Bank, report of the Patwari and Jamabandi have been placed alongwith the application, but no security bond has been furnished in compliance to the orders of Hon'ble Court.

Learned vice counsel for the applicant-respondent seeks two weeks time to do the needful. Let the case be listed after furnishing of the security bond.

Paras Doger Registrar (Judicial) 7th October, 2023 (Pritam) CMP No. 13640 of 2021 in RSA No. 481 of 2016 09.10.2023 Present: - Mr. Mukul Sood, Advocate, vice Mr. Sanjeev Sood, Advocate, for the applicants- respondent.

Mr. Shekhar Badola, Advocate vice Mr. Parav Sharma, Advocate, for the non- applicants-appellant.

As per office report, the summons issued for the service of non-applicant witnesses mentioned at Sr. No. 2 and 3, in the list of witnesses are un-served with the report that the addressees are not present at home and the house was found to be closed.

Learned vice counsel for the non-applicants- appellants seeks two weeks time for taking the steps.

Accordingly, let the steps be taken within two weeks thereafter the fresh summon be issued for the service of witnesses mentioned at Sr. No. 2, in the list of witnesses of the non-applicant-appellant. Learned vice counsel for the non- applicant further submits he will produce Shri Subhash Chand on his self responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of RWs.

Paras Doger Registrar (Judicial) 9th October, 2023 (Pritam) 10.10.2023 Present: - Mr. Harish Kumar, Advocate vice Mr. Rajiv Chauhan, Advocate, for the appellant. Ms. Vandna Thakur, Advocate, vice Mr. Surinder Saklani, Advocate for the defendant.

Let the case be listed for applicants evidence on 07.12.2023. Steps, if any, be taken within two weeks.

Paras Doger Registrar (Judicial) 10th October, 2023 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 10.10.2023 AW-4: Statement of Sh. Tushar Sharma S/o Shri Ashok Kumar, aged about 20 years, Village Tadoli, P.O. Saru, Pargana Udaipur, Tehsil and District Chamba, H.P. On Oath 10.10.2023 Stated that I am permanent resident of above stated address. On 04.11.2019, the appellants were fixing the railing on our land. The appellants have themselves obtained the order of stay in RSA No. 223 of 2014 and they were defying the orders of the Hon'ble Court dated 29.11.2016 by fixing the railing on the suit property. My father Shri Ashok Kumar requested them not to raise any type of construction/railing on the suit property but they did not pay any heed to the request of my father and started quarreling with my father. Thereafter on the same day my father lodged a

complaint Police Post Darada. The police did not take any action on the complaint of my father. I have passed my ITI this year only. On 04.11.2019 I was also present on the spot and I also clicked the photographs from my mobile, which are Mark A2 to A6. The photographs were got developed by me at Devi-Dehra from the photographer in the name and style of M/s Ajay Brothers. I have also obtained the receipt Mark-A9, from Ajay Brothers, qua developing of the said photographs. The appellants have intentionally and willfully disobeyed the order of the Hon'ble Court.

CMP No. 16020 of 2019 in RSA No. 223 of 2014 xxx xxx xxx By Shri Ajay Sood, Senior Advocate with Shri Rohit, Advocate for respondent/non-applicant.

It is correct that the railing is fixed on the lentil of the house. The house shown in photographs Mark A-2 to A-6, belongs to the house of Kaushlya Devi. Self stated that she had raised part of her house on our land. I do not know whether any FIR had been registered against my father qua the said quarrel. I am not aware that a criminal case is pending adjudication at District Court Chamba against my father. The house of the Kaushlya Devi has been construction on Khasra No. 1954/1131. I do not know in which year the said house was constructed. I do not know that Kaushlya Devi had raised her house before my birth. Khasra Nos. 1133 and 1131 belongs to my father. I have not seen any revenue paper pertaining to these Khasra Numbers. Ajay and Brother Proprietor is still having his shop at Devi-Dehra. I am not aware that Shri Ajay came to Shimla Court for adducing his evidence. It is incorrect that I do not know anything about the case. It is incorrect that the appellants have not disobeyed the orders of the Hon'ble Court.

R.O & AC (Paras Doger) Registrar (Judicial) 14th October, 2022 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 10.10.2023 AW-4: Statement of Sh. Karan Sharma, Advocate, for the applicants, High Court of Himachal Pradesh, Shimla.

Without Oath 10.10.2023 Stated that I closed the evidence on behalf of the applicants-respondents since the list of witness has been exhausted.

R.O & AC (Paras Doger) Registrar (Judicial) 10th October, 2023 (Pritam) CMP No. 16020 of 2019 in RSA No. 223 of 2014 10.10.2023 Present: - Mr. Anand Sharma, Senior Advocate with Mr. Karan Sharma, Advocate for the applicants.

Mr. Ajay Kumar Sood, Senior Advocate with Mr. Rohit, Advocate, for the non-applicant.

Statement of Shri Tushar Sharma as AW-4, is recorded. Learned counsel for the applicant vide his separate statement has closed the evidence on behalf of the applicants.

Learned counsel for the non-applicant seeks time for taking the steps for RWs. Let the steps be taken within fifteen days, thereafter, the process be issued for service of RWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 10th October, 2023 (Pritam) 11.10.2023 Present: - Mr. B.S. Thakur, Advocate, for the plaintiff.

Mr. Subhash Sharma, Advocate, for defendant No.1.

Mr. Ashok Kumar, Advocate, vice Mr. V.D. Khidtta, Advocate, for defendant No.2.

As per the office report, summons issued to one witness mentioned at Sr. No. 1 in the list of witnesses is still awaited.

At this stage, learned counsel for the parties have submitted that there are chances of amicable settlement between the parties, if the lis is referred for mediation.

In view of the statement of learned counsel for the parties, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 11th October, 2023 (Pritam) 11.10.2023 Present: - Mr. Dev Raj, Advocate, for the plaintiff.

Mr. Pranjal Munjal, Advocate, for the defendants.

As per the office report, PWs mentioned at Sr. No. 3, 4 and 5, in the list of witnesses are duly served. Witnesses mentioned at PW3, Shri Sunil Suman and PW5 Shri Raju, Deputy Branch Manager, Punjab National Bank Branch, Lift Road, The Mall Shimla, as mentioned in the list of witnesses are present. Learned counsel for the parties have submitted that due to the engagement of learned Senior Counsels for the parties in the Hon'ble Court, they are unable to come for the examination of the witnesses. Learned counsel for the plaintiff further prayed the witnesses who are present in the Court may be discharged.

Accordingly, the witnesses present today in the Court are discharged. Let the notice under Order 16 Rule 12 be issued to PW4 mentioned in the list of witnesses, since despite service he did not put appearance for adducing his evidence.

Let the fresh steps i.e. PF diet money be deposited within fifteen days. Fresh summons be issued for the service of PWs mentioned at Sr. No. 3, 4 and 5 in the plaintiff's list of witnesses for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 11th October, 2023 (Pritam) 12.10.2023 Present: - Mr. Dikken Kumar Thakur, Advocate vice Mr. Ajay Vaidya, Advocate, for the plaintiff. None for the LRs of defendant No. 1 and defendant No. 3 to 7.

Mr. Ajay Kumar Senior Advocate, with Shri Rohit, Advocate, for defendant No.2. Mr. Ashok Sood, Senior Advocate, with Ms. Pooja Verma, Advocate, for defendant No.8 to 10.

Learned counsels for the parties have submitted that Shri Vijay Pandit, learned counsel who were representing LRs of defendant No.1 and defendants No. 3 to 7 has expired and no fresh Vakalatnama has been filed on behalf of LRs of defendant No.1 and defendants No. 3 to 7.



The perusal of record shows that no notice have been sent to the LR's of defendant No.1 and defendant No.3 to 7 after the death of Shri Vijay Pandit and they are un-represented as of date.

Learned vice counsel for the plaintiff has submitted that no witness is present in the Court today. He further submits that there are chances of amicable settlement between the parties, therefore, the matter be listed before the Hon'ble Court. The opposing counsels have further endorsed that the negotiation are going on between the parties.

Since, as stated above, there are chances of amicable settlement, therefore, let the matter be listed before the Hon'ble Court for appropriate orders, accordingly.

Paras Doger Registrar (Judicial) 12th October, 2023 (Pritam) 12.10.2023 Present: - Mr. Manjeet Singh, Advocate vice Mr. G.R. Palsra, Advocate, for the applicant.

Mr. Kushi Ram Verma, Advocate, for the respondents.

Learned vice counsel for the applicant seeks one opportunity for bringing the witnesses on behalf of the applicant. The opposing counsel has not objected the request of learned vice counsel for the applicant. Let the applicant's witness be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 12th October, 2023 (Pritam) 13.10.2023 Present: - None for the plaintiff Non-Counter Claimant.

Mr. Ashok Kumar, Advocate vice Mr. Karan Singh Kanwar, Advocate, for the Counter Claimant-defendant.

Learned vice counsel for the Counter Claimant has submitted that due to personal reason the plaintiff has gone abroad due to which he could not come to the Court for adducing his evidence. Learned vice counsel further submits that the Counter Claimant/defendant will be produced on the next date of hearing on self responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of evidence of the Counter Claimant, who will be produced on self responsibility.

Paras Doger Registrar (Judicial) 13th October, 2023 (Pritam) 16.10.2023 DW-3: Statement of Sh. P. Arun Kumar, aged about 71 years R/o 1/8, Seema Society N Dutta Road, IV Bunglows, Andheri West, Mumbai-400053.

On Oath 16.10.2023 Stated that I was Managing Director of the Defendant-Company at the relevant time. The defendant started the Company in the year 2000 for providing services to the telecom companies. Around 2005, the defendant want to extend their business so the company purchased a land at upper Nangal Village at Nalagarh, District Solan to set up tower manufacturing there. The copy of jamabandi is annexed with Rent Deed Ex. PW1/D. The plaintiff was introduced to me by one

of our common friend at Chandigarh as the plaintiff-firm were doing the business of selling the scientific instruments in the market. The plaintiffs- firm also want to expend their business at Baddi- Nalagarh (Industrial Area). Accordingly, the plaintiff- firm took on rent a portion of our shed constructed on our land at Nalagarh, which was about 500 Sq. Mtrs. To that effect Rent Deed PW1/D was executed between the plaintiff-firm and the defendant company. However, the plaintiff-firm occupied more area i.e. about 800 Sq. Mtrs., in contravention to the terms of the agreement. The demarcation to that effect was got conducted by the defendant-company from one Shri Shivam Karol, (Architect). As per the agreement Ex.PW1/D, the period of the Rent Deed was for five years commencing from 20.11.2007 to 19.11.2012 and the agreed rent was Rs.41,000/- per month. The defendant-company was planning to manufacture telecom towers for telecom company in that shed at Nalagarh. Two activities were involved in that process which were fabrication of material and galvanization of the said material. However, due to limited finance resources of the defendant-company, the defendant- company restricted its activity qua fabrication of the material and wanted to outsource the process of galvanization of the material to some other agency. The plaintiff-firm was interested in the galvanization of the material so the defendant after due diligence and discussion agreed to the proposal of the plaintiff-firm. The defendant company also discussed the modalities of the activities and processes with the plaintiff-firm. It was agreed between the parties that galvanization if given to the plaintiff-firm would be on job contract basis. Meaning thereby that in case the defendant- company would get the order for fabrication, it would be given for galvanization to the plaintiff-firm and the plaintiff firm would have the right to undertake outside job of the other companies, if the plaintiff-firm still having spare capacity available with them to do that. The said understanding was for a particular activity i.e., galvanization and even it was agreed between the parties i.e. landlord and the tenant that how the movement of the material would take place in the premises. Subsequently, due to 2G scams in the telecom sector as well as bleak prospects in the telecom sector, no orders were placed/received by the defendant-company due to which no work was being done by the defendant-company and no assignment was given for galvanization to the plaintiff-firm by the defendant-company. The plaintiff-firm also could not commission the galvanizing plant and they also could not take orders from other customers as well. Since the period of the agreement was only for five years, in November 2012, with an intention of not paying the rent and gain time the plaintiff-firm filed a frivolous suit against the defendant-company and obtained the ex-parte stay order from the Hon'ble Court. The plaintiff-firm is still occupying the said premises un- authorizedly from the execution of the rent agreement and have not paid the rent till date, which the defendant company is legally entitled to. Alongwith the written statement, the defendant-company had also filed the Counter Claim for an amount @ Rs.1,00,000/- per month since the tenancy was terminated by efflux of time in November, 2012. The defendant-company is, thus also entitled for use and occupation charges from November 2012 onwards till date from the plaintiff- firm.

xxx xxx xxx Shri Nitin Thakur, Advocate, for the plaintiff.

It is correct that the defendant-company entered into memorandum of understanding with the plaintiff-firm on 05.12.2007. It is correct that as per the memorandum of understanding the galvanization work was to be assigned to the plaintiff-firm. Self stated that the said work was to be assigned to the plaintiff-firm if the defendant-company would get the order for tower supply. It is

correct that before galvanization process is assigned to the plaintiff-firm, there are certain processes which were required to be done on behalf of the defendant-company. It is incorrect that the defendant- company had failed to do the needful on their part and subsequently, started to raise lame excuses for not assigning the galvanization work to the plaintiff-firm. Self stated that the towers are required to be manufactured on the need basis of the customers and since no order were placed, therefore, no work was being done on the part of the defendant-company. It is incorrect that the plaintiff-company had to earn approximately Rs.5.5 crores profit from the work of galvanization. I do not know for the purpose of setting up galvanization plant, the plaintiff-firm had spent about two corers. It is incorrect that since the plaintiff- firm had already spent about two crorers due to which the defendant-company had entered into an agreement EX. PW1/F. Self stated that the agreement Ex. PW1/F was pertaining to separate path to the plaintiff-firm and it has nothing to do with anything else. Letter dated 20.06.2010, 08.04.2011 (Mark `C'), 16.06.2011 (Mark `D'), 18.12.2011 (Mark `E'), are the photocopies and without seeing the original copies, I could not identify the alleged signatures on the above said documents. It is incorrect that in the above said letters, the defendant- company had admitted for deferring the rent of plaintiff-firm. It is incorrect that since the parties have mutually agreed for the deferment of the rent since the signing of the rent agreement Ex.PW1/D, as such there arises no question of counter claim. It is incorrect that due to the lack of willingness and non-execution of the work on the part of the defendant-company, the plaintiff firm had suffered losses. It is incorrect that the defendant-company was duty bound to honour the terms of the agreement Ex.PW1/F. Self stated that the defendant-company never stopped the movement of the goods of the plaintiff-firm and the path is still available for them as of date. It is incorrect that since the defendant-company have not complied with the terms of the agreement Ex.PW1.F, therefore, the plaintiff-firm is entitled to Rupees Eight crores from the defendant- company. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 16th October, 2023 16.10.2023 Present: - Mr. Nitin Thakur, Advocate vice Mr. Yash Wardhan Chauhan, Advocate, for the plaintiff Non-Counter Claimant.

Mr. Kanwar Bhupinder Singh, Advocate for the defendant/ Counter Claimant.

Statement of Shri P. Arun Kumar is recorded as DW3. As per the office report, the summons issued to the witness at Sl. No.3 in the list witnesses is still awaited. Let the fresh summons be issued for the service of witness mentioned at Sl. No.3, in the list of witnesses for the date to the fixed by Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 16th October, 2023 (Pritam) In compliance to the order dated 13.10.2023 of Worthy Registrar General, the statements of S/Shri Padam Dev Sharma, the then Court Master of Hon'ble Mr. Justice Dharam Chand Chaudhary, J. (Retd.), Shri Duni Chand, the then Restorer and Shri Rohit, Dealing Assistant of the case file (CWP No. 2521 of 2019), are recorded.

Thereafter, the directions are also issued to all the concerned Section Officers and Dealing Assistants of the Judicial Branch to trace the said judicial record in their respective Sections.

Further, as per the reports of the concerned Branches, no such record has been found in their respective Branches. However, Section Officer of the CWPOA Branch has submitted that on 30.10.2019, CWPOA Branch was not in existence. The above said reports of the concerned Section Officers are annexed herewith for kind perusal and consideration.

It is further submitted that sincere efforts for tracing the record are made in the Judicial Branch, but the concerned record is not found in the Judicial Branch.

Accordingly, the report is submitted alongwith the statements of the above said persons for kind perusal and consideration.

Submitted, please.

Paras Doger Registrar (Judicial) 16.10.2023 Worthy Registrar General 17.10.2023 Present: - Mr. Vikas Chauhan, Advocate, for the plaintiff.

Mr. Rohit, Advocate vice Mr. Sumit Sood, Advocate, for the defendants.

Shri Sanjay Kumar (Plaintiff No.1) is present today. Learned vice counsel for the defendant seeks adjournment on the ground that the original counsel is not available to cross examine the witness who is present in the Court today. The request of the adjournment is not opposed by the learned counsel for the plaintiff. Accordingly, the witness (Shri Sanjay Kumar) is discharged for today. Learned counsel for the Plaintiff submits that they will produce the said witness on self responsibility on the next date of hearing.

Let the case be listed before the Additional Registrar (Judicial) for fixing the next date for PWs.

Paras Doger Registrar (Judicial) 17th October, 2023 (Pritam) 18.10.2023 Present: - Ms. Sunaina, Deputy Advocate General, for the petitioner.

Mr. Tarun Jeet Singh Bhogal and Ms. Sawati Verma, Advocates, for the respondents along with (Mr. Rajesh Thakur sole respondent).

Learned counsel for the applicant has moved an application for submission of the Security Bond. The Security Bond alongwith details of the property in favour of the applicant alongwith the report of the Patwari are annexed with the Security Bond. The applicant has been duly identified by Mr. Tarun Jeet Singh Bhogal, Advocate.

I have gone through the orders of the Hon'ble Court as well as the Security Bond and the documents annexed herewith. Application is allowed. Accordingly, the Security Bond is accepted and attested by me. The same be tagged with the case file. Let follow up action be taken in compliance to order dated 08.08.2023.

Paras Doger Registrar (Judicial) 18th October, 2023 (Pritam) 18.10.2023 Present: - Mr. Dinesh Thakur, Advocate, for the plaintiff.

Mr. Tara Singh Chauhan, Advocate, for defendants No. 1 and 2. (Memo of appearance filed).

Mr. Het Ram Thakur, Advocate, for  
defendant No.3.

Learned counsel for the defendants No. 1 and 2 submits that the defendants No.1 and 2 has recently engaged him and the power of attorney on behalf of the aforesaid defendants is still awaited and in the absence of the power of attorney, he is unable to cross examine the witnesses. Learned counsel seeks four weeks time for filing the power of attorney.

However, learned counsel for the plaintiff has submitted that no witness from the plaintiff side is present today and he also seeks adjournment. Prayed of the learned counsel is allowed.

Let the first two witnesses mentioned in the list of witnesses of the plaintiff dated 26.06.2023 be summoned on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 18th October, 2023 (Pritam) CMP No. 5209 of 2019 in RSA No. 464 of 2012 18.10.2023 Present: - None.

The case is listed for the applicants witnesses today. As per office report, steps have not been taken by the applicants for AWs. The perusal of the file shows that twelve opportunities have already been granted to the applicants for taking the steps, but needful has not been done till date.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 18th October, 2023 (Pritam) CMP No. 9395 of 2018 in RSA No. 112 of 2018 19.10.2023 Present: - Mr. Gaurav Chaudhary, Advocate, vice Ms. Shweta Joolka, Advocate, for the applicant.

Mr. Kiran Kumar Chauhan and Mr. Subhash Chander, Advocates vice Mr. Dushyant Dadwal, Advocate for the respondents.

Learned vice counsel for the respondents have submitted that no witness on behalf of respondents are present today. Learned counsel further submits that they are unable to produce Shri Atul Sharma witness mentioned at Sl. No. 3 on its own responsibility and submitted that the summons may be issued to him for his appearance. Learned counsel for the respondents further submits that they have received the communication from witness Ishwar Dass that due to his ill health, he is unable to come to the Court today. Photocopy of the Medical prescription slip has been produced, which is taken on record. Further, as per the report on the summons of the witness Ravinder Kumar, he has refused to take the summon on account of some function in his house on 19.10.2023.

Let fresh steps be taken within fifteen days and thereafter process be issued for the service of witnesses mentioned at Sl. No. 3, 4 and 5 in the list of witnesses of the respondents, for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 19th October, 2023 (Pritam) Criminal Appeal No. 292 of 2021 19.10.2023 Present: - Ms. Sunaina, Deputy Advocate General, for the appellant.

Vide order dated 11.09.2023, the Hon'ble Court has fixed the date i.e., 25.09.2023, for recording the statement of the official, who has affixed the proclamation. On account of the undersigned casual absence, the case was listed before Registrar (Administration) on 25.09.2023.

The perusal of the order dated 25.09.2023, passed by the Registrar (Administration), shows that LC Priyanka 316, PP Junga, District Shimla, was present on that day but she was discharged on that day and her statement was not recorded due to non-appearance on behalf of the State.

Since the actual date for recording the statement of the official has been fixed by the Hon'ble Court and on that date the statement has not been recorded, therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 19th October, 2023 (Pritam)

a) That the communication has been received from the students of Degree College Sabathu Himachal Pradesh who are studying in the said college. It is averred that on 14.10.2022, the aforesaid degree college has been acquired/taken over by the Government of Himachal Pradesh due to which all the students have been benefited. There are about 135 students who are studying in the said college and most of the students belong to schedule caste and poor strata of the society, who cannot take education from some other colleges. Since the college has been taken over by the Government of Himachal Pradesh, therefore, 90 students have taken admission in B.A. and B.Com 1st year. It is further averred that at the time of admission, the local M.L.A. who was present there had assured that he will get the appointments of the Professors done in the college at the earliest.

b) That as of date there are only two Professors (History and Hindi) in the college due to which the students are facing problem in their studies.

There is no Professor of commerce stream. Half yearly and the final examination are near but the Government is not paying any heed regarding the appointment of the Professors due to which their future is seeing to be in dark.

c) That the students by way of this petition are seeking directions to the government of Himachal Pradesh for appointment of the Professors in every stream in their college.

20.10.2023 Present: - Mr. Raman Ravi Verma, Advocate, vice Mr. Suneet Goel, Advocate, for the plaintiff.

None for defendants, No. 1,2 and 7.

Mr. Anil Kumar Kashyap vice Mr. Aman Sood, Advocate for defendant No.3.

Mr. Rohit, Advocate, vice Mr. Sumit Sood, Advocate, for the defendant No.4. Mr. Anshul Gandhi, Advocate vice Mr. C.N. Singh, Advocate, for defendants No. 5 and 6.

As per the office report fresh steps for summoning the plaintiff's witness have not been taken. Moreover, as per office report an application under Section 89 CPC for referring the matter to Arbitration has been filed on behalf of the plaintiff.

Therefore, the adjudication of the application under Section 89 CPS is required before the evidence is adduced by the parties to the lis. Accordingly, let the said application be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 19th October, 2023 (Pritam) 20.10.2023 Present: - Ms. Kiran Sharma, Advocate, vice Mr. Arvind Sharma, Advocate, for the plaintiff.

Mr. Sanjay Dalmia, Advocate for the defendants.

As per the office report, the original documents have not been filed by the parties in compliance to the order dated 22.09.2023 of the Hon'ble Court. Learned counsel for the parties are seeking some more time to do the needful.

Since the actual date for admission and denial has been given by the Hon'ble Court, therefore, it would not be appropriate to the undersigned to extend the time for admission and denial. Therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 20th October, 2023 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 30.10.2023 Present: - Mr. R.L. Chaudhary, Advocate, for the applicant.

Mr. Mukul Sood, Advocate, for the non- applicants-respondents.

As per office report, summons issued to witness Gulam Ali, has been received back after due service.

Learned counsel for the applicant has submitted that due to marriage of brother of the said witness, he is unable to come to the Court for adducing his evidence. Learned counsel for the applicant seeks adjournment for today.

Let fresh summons be issued for service of Gulam Ali, after taking steps by the applicants within two weeks, for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 30th October, 2023 (Pritam) 31.10.2023 Present: - Mr. Rihan, Advocate, vice Mr. P.P. Chauhan, Advocate, for the plaintiff.

Mr. Vijender Katoch, Advocate, for the defendants.

As per office report, the witnesses are required to be produced by the plaintiff on self responsibility. Learned vice counsel for the plaintiff has submitted that the witnesses are on the way, however, he is seeking adjournment as the original counsel Mr. P.P. Chauhan, has suffered heart stroke and is admitted in the hospital. Learned vice counsel for the plaintiff has submitted that the witnesses will be produced on self responsibility on the next date. The adjournment sought by the learned vice counsel for the plaintiff has not been opposed by the learned counsel for the defendants.

Accordingly, the matter is adjourned for today. Let the case be listed before the Additional Registrar (Judicial) for fixing the next date for PWs on which date the plaintiff's evidence be produce on self responsibility.

Paras Doger Registrar (Judicial) 31st October, 2023 (Pritam) 31.10.2023 Present: - Mr. N.K. Bhalla, Advocate, for the plaintiff.

Mr. Dinesh Negi, Advocate, vice Mr. Karun Negi, Advocate, for defendant No.1.

Mr. Ajeet Pal Singh Jaswal, Advocate for defendants No. 2 and 3.

As per office report, an application under Order VII Rule 14 CPC for placing on record of some documents has been filed by the plaintiff, which has been registered as OMP No. 523 of 2023.

Though, Shri Brij Lal Belwal, officer concerned from the office of ROC Delhi and Haryana is present but the learned counsel for the defendants has submitted that they want to file the reply to the application of the plaintiff and adjudication on the application is required before the evidence is led by the plaintiff.

The expenses to the tune of Rs.4000/- of the witness, who is present in the Court today, has been paid in cash by the learned counsel for the plaintiff.

Since the application for placing on record filed by the plaintiff is pending adjudication, therefore, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 31st October, 2023 (Pritam) 01.11.2023 Present: - Mr. Ravinder Singh Chandel, Advocate, for the plaintiff.

Mr. Navneet Bhalla, Advocate, for the defendants-Counter Claimants.

As per office report, the witnesses at Serial No. 3 to 5 in the list of witnesses, are duly served. Shri Gopi Singh, Assistant Engineer O/o Municipal Corporation Solan, is present today.

Learned counsel for the plaintiff has submitted that he want to examine plaintiff at the first instance and thereafter the other witnesses may be examined. Moreover, there is no application under Order



18 Rule 3(A) CPC, therefore, the plaintiff is required to be examined at the first instance before the examination of any other witnesses.

Accordingly, the witness Shri Gopi Singh, present in the Court today is discharged.

Learned counsel for the plaintiff further submits that he will produce the first two witnesses in the list of witnesses on self responsibility on the next date of hearing. Accordingly, the summons to the other witnesses shall be issued only after the examination of the plaintiff.

Let the case be listed before the Additional Registrar (Judicial) for fixing the next date for PWs.

Paras Doger Registrar (Judicial) 1st November, 2023 (Pritam) 02.11.2023 Present: - Mr. Mukul Sood, Advocate, alongwith plaintiff in person.

Mr. Pyush Agnihotri, Advocate, vice Mr. Dheeraj K. Vashishth with Ms. Shivani Thakur W/o Shri Ashwani Kumar Thakur defendant No.1.

Defendant No.2 already ex-parte.

Learned vice counsel for defendant No.1, has submitted that the defendant No.1 has taken the case file from him and henceforth he will not appear on behalf of defendant No.1. Ms. Shivani Thakur, who is present in the Court today has submitted that her husband requires at least one month's time to engage new Advocate and to handover the case file to the newly engaged Advocate.

As per office report, Branch Manager, SBI Gagret Branch, Una and Branch Manager Punjab National Bank Gagret, Una, are duly served. Shri Amit Kumar, Branch Manager, State Bank of India, Gagret, Una and Shri Vishal Sandhu, Branch Manager, Punjab National Bank Gagret Una, are present today.

Since Ms. Shivani Thakur W/o defendant No.1, is seeking time for engaging new Advocate on behalf of defendant No.1, therefore, these witnesses could not be examined today. Accordingly, both the witnesses present today, are discharged.

Learned counsel for the plaintiff has submitted that they have filed one fresh list of witness on 27.04.2023, but the same is not on record. Learned counsel has further submitted that the name of witnesses are same in the fresh list of witnesses but the detail of the documents, which are required to be produced are deficient in the earlier list of witnesses filed on 05.09.2022.

No prejudice will caused to anybody, if the fresh list of witness is taken on record at this stage, as the statement of the witnesses are yet to be recorded. Accordingly, the same is taken on record. Learned counsel for the plaintiff has paid the expenses in cash to the witnesses present in the Court today.

Let the case be listed before the Additional Registrar (Judicial) after the filing of fresh power of attorney on behalf of defendant No.1, for fixing the next date for PWs.

Paras Doger Registrar (Judicial) 2nd November, 2023 (Pritam) CMP(M) No. 924 of 2022 in RSA No. 8982 of 2022(filing No.) 03.11.2023 Present: - Mr. Pranav Kaushal, Advocate, for the applicant (MOA filed).

Mr. Gaurav Sharma, Advocate, along with Shri Surinder Rawat (respondent in person) for the respondent.

.

Mr. Pranav Kumar Kaushal and Shri Sameer Miyan, Advocates, have filed the memo of appearance on behalf of the applicant. Learned counsel have submitted that the counsel previously engaged by the applicant has left this case and now they have been engaged by the applicant. Learned counsel further submits that the applicant has not yet handed over the case file to him, therefore, they seek adjournment. Learned counsel for the respondent has not opposed the request of the learned counsel for the applicant.

Accordingly, the matter is adjourned for today. Let the power of attorney on behalf of the applicant be filed within two weeks.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date of evidence on behalf of the applicant after filing of the power of attorney on behalf of the applicant.

Paras Doger Registrar (Judicial) 3rd November, 2023 (Pritam) CMP No. 4376 of 2023 in RSA No. 247 of 2020 RW-3: Statement of Sh. Tilak Raj, S/o Ishwar Dass, R/o Village Kairi, P.O. and Tehsil Shahpur, District Kangra, Himachal Pradesh On Oath 03.11.2023 Stated that the applicants-appellants had filed an RSA before the Hon'ble High Court. The photographs Mark C, D and E pertains to my house. I have not raised any construction after the decision of First Appellate Court at Dharamshala. I have not raised any construction after the stay order of the Hon'ble High Court and has not disobeyed the order of Hon'ble Court at any time.

xxx xxx xxx Shri Sanjay Jaswal Advocate, for the applicant-appellant.

It is in correct that I have raised my house on the disputed land. It is correct that the suit land is joint property and I am one of the co-owner in the said land. It is incorrect that the construction, which is shown in the photographs Mark C to E has been raised by me in the month of April, 2022. Self stated that the construction in the photographs Mark C to D pertains to the year 2019. I was aware of the stay orders of the Hon'ble High Court.

RO & AC (Paras Doger) Registrar (Judicial) 3rd November, 2023 (Pritam) CMP No. 4376 of 2023 in RSA No. 247 of 2020 RW-3: Statement of Sh. Subhash Chander, Advocate, High Court of Himachal Pradesh, Shimla.

Without Oath 03.11.2023 Stated that I close the evidence on behalf of the respondents since the list of witnesses has been exhausted.

RO & AC (Paras Doger) Registrar (Judicial) 3rd November, 2023 (Pritam) CMP No. 4376 of 2023 in RSA No. 247 of 2020 03.11.2023 Present: - Mr. Sanjay Jaswal, Advocate, for the applicant-appellant.

Mr. Subhash Chander, Advocate, for the respondents.

.

Statement of Shri Tilak Raj is recorded as RW3. Learned counsel for the respondents vide his separate statement has closed the evidence on behalf of the respondents.

Accordingly, let the case/CMP be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 3rd November, 2023 (Pritam) CMP No. 967 of 2023 in RSA No. RSAST No. 21332 of 2023 03.11.2023 Present: - None for the applicant.

Mr. Dalip Chand, Advocate, vice counsel for the respondents.

.

As per the office report, rejoinder to the reply to CMP No. 967 of 2023, is still awaited and steps i.e. PF, Road and Diet Money and List of Witnesses have not been filed as yet.

Let the steps be taken within fifteen days, thereafter, the process be issued for the service of the witnesses for 15.12.2023. However, not more than two witnesses be summoned for the said date.

Paras Doger Registrar (Judicial) 3rd November, 2023 (Pritam) CMP (M) No. 1244 of 2022 in RSA No. 18567 of 2022 04.11.2023 Present: - Ms. Urvashi Rajta, Advocate, vice Mr. Tara Singh Chauhan, Advocate, for the applicant.

None for the respondents.

.

As per the office report, steps i.e. list of witnesses PF road and diet money for the service of the witnesses have not been filed till date. Learned counsel for the applicant seeks some more time for doing the needful.

Let the steps be taken within fifteen day, thereafter, the process be issued for the service of applicants witnesses for 26.12.2023. However, not more than two witnesses be summoned for the said date.

Paras Doger Registrar (Judicial) 4th November, 2023 (Pritam) CMP (M) No. 1227 of 2022 in RSA No. 144 of 2022 04.11.2023 Present: - Ms. Diksha Thakur, Advocate, vice Mr. Lovneesh Kanwar,

Senior Advocate, for the applicant.

Mr. Janesh Gupta, Advocate, for the respondents.

As per the office report, steps under Order XVI Rule 1 of CPC have not been taken by both the parties. Learned vice counsel for the applicant as well as learned counsel for the respondents are seeking some more time for taking the steps in compliance to the Hon'ble Court's order.

Since there is a specific order from the Hon'ble Court that the steps be taken by both the parties within fifteen days, failing which, no assistance shall be given to the defaulting party. Therefore, the undersigned cannot extend the time already granted by the Hon'ble Court.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 4th November, 2023 (Pritam) CMP (M) No. 669 of 2023 in RSAST No. 16082 of 2023 06.11.2023 Present: - Ms. Sunaina, Deputy Advocate General, for the applicant.

Mr. Vanshaj Azad, Advocate vice Mr. Rajul Chauhan, for the respondent.

As per the office report, the i.e., list of witness, PF and road and diet money for the service of AWs have not been filed. Learned Deputy Advocate General seeks some more time for doing the needful.

Let the steps be taken within two weeks, thereafter, the process be issued for the service of AWs returnable for 20.12.2023.

Paras Doger Registrar (Judicial) 6th November, 2023 (Pritam) CMP No. 5990 of 2020 in RSA No. 513 of 2016 RW-1: Statement of Sh. Gopal Thakur, S/o Shri Beli Ram, R/o Village Dhalogi, P.O. Fozal, Tehsil and District Kullu, Himachal Pradesh.

On Oath 06.11.2023 Stated that the parties to the lis are known to me. The village Gadherani is about 27 Kms. Away from my village. Panna Lal respondent is related to me due to which I am in visiting terms at village Gadherani. Smt. Maya Devi plaintiff-appellant has been married towards Manikaran side. The distance between Manikaran and Gadherani is about 50 Kms. I have seen the land pertaining to Ram Dass at village Gadherani. Maya Devi is not in possession of land at village Gadherani. Tula Ram and Panna Lal have constructed a parking at Village Gadherani adjacent to the road in the year 2007-2008. They have not raised any new construction thereafter at village Gadherani.

xxx xxx xxx Shri Kapil Dev Sood, Senior Advocate with Shri Het Ram Thakur, Advocate.

Smt. Maya Devi plaintiff is real sister of Tula Ram and Panna Lal. Ram Dass has expired 5-6 years ago. It is correct that dispute regarding succession of the property of Ram Dass is going between the appellant and respondents. It is correct that Ram Dass was owner of apple orchard. I do not know the Khasra Numbers of that orchard. It is incorrect that any of the party has cut the apple trees in

that orchard. It is correct that Ram Dass has also not cut the apple trees in his orchard during his life CMP No. 5990 of 2020 in RSA No. 513 of 2016 time. The parking has been constructed by the respondents during the life time of Ram Dass. It is incorrect that for raking the parking by the respondents, they have cut the apple trees from the orchard. I am not aware that the High Court has passed any stay order in the case between the parties. I am not aware that any of the parties had lodged complaint in the police regarding cutting of the apple trees or any disobedience of the Hon'ble High Court. No construction has been raised by the respondents on the suit land. I visited village Gadheri last month. I am not conversant with the site which is shown in the photographs Ex. AW6/B to AW6/J. I do not know that the respondents are raising construction on Khasra No. 340 and the above said photographs pertains to Khasra No. 254 and 340. The parking of the respondents is about 200 mtrs., away from the house of the respondents. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 6th November, 2023 (Pritam) CMP No. 5990 of 2020 in RSA No. 513 of 2016 RW-2: Statement of Sh. Nimat Ram, S/o Shri Nathu Ram, R/o Village Gadherani, P.O. Kalath, Tehsil Manali, District Kullu, Himachal Pradesh.

On Oath 06.11.2023 Stated that the parties to the lis are known to me as they are related to me. Smt. Maya Devi plaintiff has been married in Manikaran area. The in laws of Smt. Maya Devi are about 60-70 Kms., away of village Gadherani. Ram Dass had expired about 12-13 years ago. The property of Ram Dass is situated at village Gadherani. Smt. Maya Devi is not in possession of any of the properties of her father Shri Ram Dass. The properties of Shri Ram Dass has been possessed by his sons. The respondents have raised the parking on the suit land about -6-7 years ago. Self stated they have constructed a Hotel at village Gadherani. There are two Hotels of the respondents. One Hotel was constructed by Shri Ram Dass and the other Hotel has been constructed by Tule Ram. The distance between my house and the disputed land is about ½ kilometer.

xxx xxx xxx Shri Kapil Dev Sood, Senior Advocate with Shri Het Ram Thakur, Advocate.

The Hotel has been constructed by Tula Ram 6-7 years ago. Self stated that the same has not been constructed by him on his father land, however, the same has been constructed by purchasing the separate land by him. I do not know the property which the subject matter of the suit. I do not know the Khasra Numbers on which CMP No. 5990 of 2020 in RSA No. 513 of 2016 the Hotels have been constructed. I do not know that the appellant Maya Devi had lodged complaints to the police and the authorities regarding cutting of the apple trees and raising construction for parking and house. The construction shown in Ex. AW6/F, G, H and J, pertains to the members of the family and the property as reflected in the photographs still exists as of date. Photographs Ex. AW6/B to Ex. AW6/E may be the photographs of the said disputed property. I do not know the construction apparent on the photographs Ex. AW6/B to Ex. AW6/J, was being raised by the respondents in the year 2020. It is incorrect that the construction in the photographs has been made by the respondents after cutting the apple trees. I do know the year in which construction has been raised as shown in the above said photographs. Self stated that I am illiterate person. It is incorrect that I am deposing false since I am in hand in glove with the respondents. Self stated that both the parties are in relation to me. I do not know whether Smt. Maya Devi has challenged the will of her father Ram Dass. It is correct that there is no vacant land in the vicinity of the disputed land.

RO & AC (Paras Doger) Registrar (Judicial) 6th November, 2023 (Pritam) CMP No. 5990 of 2020 in RSA No. 513 of 2016 06.11.2023 Present: - Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for the applicant.

Shri K.D. Sood, Senior Advocate with Shri Het Ram, Advocate, for the respondents.

Statement of Shri Gopal Thakur and Nimat Ram, are recorded as RW1 and RW2, respectively. Ms. Bhavna Devi, Senior Assistant of RSA Section of this Registry is also present with the record. Learned counsel for the non- applicant has submitted that due to inadvertence they have failed to apply for the certified copy, which are required to be tendered and proved from the witness summoned from the High Court. Learned counsel submits that the witness with the record may be allowed to be summoned again.

Accordingly, the witness Ms. Bhavna Devi, Senior Assistant, RSA Section of this Registry is discharged for today. Let the fresh summons be issued for the service of remaining witnesses on the date fixed by the Additional Registrar (Judicial). Steps, if any, be taken within two weeks.

Paras Doger Registrar (Judicial) 6th November, 2023 (Pritam) 06.11.2023 Present: - Ms. Sunaina, Deputy Advocate General, for the applicant.

Mr. Vanshaj Azad, Advocate vice Mr. Rajul Chauhan, for the respondent.

As per the office report, the i.e., list of witness, PF and road and diet money for the service of AWs have not been filed. Learned Deputy Advocate General seeks some more time for doing the needful.

Let the steps be taken within two weeks, thereafter, the process be issued for the service of AWs returnable for 20.12.2023.

Paras Doger Registrar (Judicial) 6th November, 2023 (Pritam) CMP No. 4584 of 2019 in RSA No. 164 of 2019 07.11.2023 Present: - Mr. G.D. Verma, Senior Advocate with Mr. Sumit Sharma, Advocate, for the applicant.

Mr. Mukul Sood, Advocate, for the respondents.

Vide order dated 23.08.2023, the learned counsel for the applicant has submitted that they will produce Shri Sunil Kumar, at their own responsibility. Shri Sunil Kumar witness is present today. However, learned senior counsel for the applicant submits that he has to move appropriate application so that the photographs placed on record could be proved in accordance with law. Learned counsel for the applicant seeks adjournment, which is not opposed by the learned counsel for the opposite party.

Accordingly, the witness present today is discharged. Let the case be listed before the Hon'ble Court after filing the appropriate application by the learned senior counsel for the applicant.

Paras Doger Registrar (Judicial) 7th November, 2023 (Pritam) Criminal Appeal No. 292 of 2021  
08.11.2023 Present: - Ms. Sunaina, Deputy Advocate General, for the appellant.

Learned Deputy Advocate General submits that the State has made correspondence to the Superintendent of Police, Solan, Himachal Pradesh on 02.11.2023, informing the orders of the Hon'ble Court qua recording of the statement of the official, who has affixed the copy of notice under Section 82 of the Cr. PC.

Learned Deputy Advocate General further submits that neither any official has come to the Court today nor any communication has been received from the side of Superintendent of Police, Solan.

Accordingly, the statement could not be recorded. Since the actual date for recording of the statement of official concerned has been given by the Hon'ble Court, therefore, the time cannot be extended by the undersigned. Let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 8th November, 2023 (Pritam) CMP (M) No. 1532 of 2019 a/w CMP(M) No. 1533 AW-1: Statement of Sh. Shyam Dass aged about 63 years S/o Nakli Ram, Village & P.O. Ranikotla, Tehsil Sadar, District Bilaspur, H.P. On Oath 08.11.2023 Stated that I came to know about the award of the reference Court from my relative in the year 2018. Thereafter, I visited the office of the Advocate at Bilaspur and asked him to apply for the copy. The Advocate at Bilaspur told me that the compensation has been awarded to us on lesser side and he further advised us to file an appeal against the award in the High Court at Shimla. Due to the non-information of the passing of the award, death of our father Shri Nakli and paucity of the funds also we could not file the appeal in time.

xxx xxx xxx Shri Romesh Verma, Senior Advocate with Shri Sumit Sharma, Advocate. Advocate.

I do not remember the date of the passing of the award by the learned District Judge Bilaspur. I came to know about the passing of the award in the year 2018 when the other persons started to get the compensation amount. I came to know about the award from Shri Amar Nath who got the compensation pursuant to that award. I do not remember the date and month, however, I got applied for the copy of the award in the year 2018 from my Advocate. I received the certified copy of the award after about one and half months from it applying. It is incorrect that I was aware of the passing of the award I intentionally did not file CMP (M) No. 1532 of 2019 a/w CMP(M) No. 1533 the appeal in time. It is incorrect that my father has wrongly averred all the facts in application for condonation of delay. I have not read the application under Section 5 of the Limitation Act filed by my father. I do not know in the application for condonation of delay my father has averred that he came to about the passing of the award in the month of August, 2018. I am aware that before August 2018 my father had filed an Execution Petition before the reference Court. I do not remember that in that Execution Petition notices had been issued to the respondents for 15.01.2018. I am not aware that the respondents had filed the objection in that Execution Petition before the reference Court. I do not know on 27.07.2019, our Advocate had withdrawn the Execution Petition before the reference Court. It is correct that on account of the agreement dated 03.04.2008 executed between

my father and J.P. Himachal Cement Plant (respondent No.2) my father had received an amount of Rs.6,83,710/-. Self stated that, that amount was paid to my father regarding widening of curb on the road. It is correct that the said amount was paid by respondent No.2 (J.P. Cement Plant Bagga). I identify signature of my Father Ex. AW1/A in red circle on the agreement dated 03.04.2008. I do not know that in view of the receiving of the said amount my father had executed an affidavit to that effect. I identify signature of my Father Ex. AW1/B in red circle on the receipt issued on 05.04.2008, by the J.P. Cement Plant. It is incorrect that we do not have sufficient CMP (M) No. 1532 of 2019 a/w CMP(M) No. 1533 amount event after receiving the compensation amount from respondent No.2 to file the appeal. My father had expired on 15.02.2020. It is correct that at the time of filing of the appeal my father was alive. It is incorrect that my father was earlier satisfied with the award amount but thereafter due to greed this RFA has been filed on false ground. It is incorrect that I am deposing false.

xxx xxx xxx Ms. Sunaina, Deputy Advocate General, High Court of Himachal Pradesh.

I adopt the cross examination of respondent No.2.

RO & AC (Paras Doger) Registrar (Judicial) 8th November, 2023 (Pritam) CMP (M) No. 1532 of 2019 a/w CMP(M) No. 1533 AW-2: Statement of Sh. Hariman @ Hari Ram aged about 68 years S/o Shri Ganga Ram, Village & P.O. Ranikotla, Tehsil Sadar, District Bilaspur, H.P. On Oath 08.11.2023 Stated that I came to know about the award of the reference Court from Shri Amar Nath in the year 2018, when he received the compensation amount. Thereafter, I contacted out Advocate at Bilaspur. Our Advocate informed us that compensation amount has been awarded by the reference Court on lesser side and he also advised us to file appeal against the award. After arranging the money we came to Shimla for filing the appeal in the meanwhile we also asked our Advocate to apply for the copy of the award for filing the appeal.

xxx xxx xxx Shri Romesh Verma, Senior Advocate with Shri Sumit Sharma, Advocate. Advocate.

I do not know the date of the passing of the award by the learned District Judge Bilaspur. I do not remember the date and month, however, Amar Nath told us about the award in the year 2018. I do not remember the month in which we asked out Advocate for applying the copy of award. Self stated that we applied for the copy in the year 2018. In the same year, we received the certified copy of the award. I do not remember that we had filed an Execution Petition before the reference Court in which the summon has been issued to the respondent for 15.01.2018. It is correct that in the Execution Petition we have engaged CMP (M) No. 1532 of 2019 in RSA Shri Nand Lal, Thakur as Counsel. I do not know that the said Execution Petition was withdrawn by out Advocate on 22.06.2019. It is correct that I have received an amount of Rs. 2,32,904/- from respondent No.2. I identify my signature Ex. AW2/A in red circle on the agreement dated 03.04.2008. In pursuance to that I executed an affidavit acknowledging the above said amount. It is correct that my brother Shri Gopal Dass has also received an amount of Rs.2,32,903/- from J.P. Cement Plant. It is incorrect that we do not have any paucity at any point of time since we have received the compensation amount. It is incorrect that I am deposing false.



xxx xxx xxx Ms. Sunaina, Deputy Advocate General, High Court of Himachal Pradesh.

I adopt the cross examination of respondent No.2.

RO & AC (Paras Doger) Registrar (Judicial) 8th November, 2023 (Pritam) CMP (M) No. 1532 of 2019 a/w CMP(M) No. 1533 08.11.2023 Present: - Mr. Pushpinder Kumar, Advocate with Mr. B.S. Thakur, Advocate for the applicants.

Ms. Sunaina, Deputy Advocate General for respondent No.1-State.

Mr. Romesh Verma, Senior Advocate with Mr. Sumit Sharma, Advocate, for the respondent No.2.

Statement of witnesses Shri Shaym Dass and Shri Hariman are recorded as AW1 and AW2, respectively. Learned counsel for the applicant vide his separate statement has closed the evidence on behalf of the applicant. Learned senior counsel for the respondents seeks time for RWs. Let the steps, if any, be taken within fifteen days. Thereafter, the process be issued for the service of RWs for the date to be fixed by Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 8th November, 2023 (Pritam) CMP (M) No. 1532 of 2019 a/w CMP(M) No. 1533 Statement of Sh. Pushpinder Kumar, Advocate, High Court of Himachal Pradesh, Shimla.

Without Oath 08.11.2023 Stated that I close the evidence on behalf applicants.

RO & AC (Paras Doger) Registrar (Judicial) 8th November, 2023 (Pritam) 09.11.2023 Present: Shri Hitesh Thakur with Sh. Romesh Verma, Sr. Advocate, for the petitioner. Ms. Kusum, Advocate, vice Ms. Seema K Guleria, Advocate, for the respondents.

The learned vice counsel for the petitioner has submitted that no witness is present today. He seeks time for producing the remaining witnesses and seeks adjournment today.

Accordingly, the matter is adjourned for today. Let the remaining witnesses be produced on self responsibility on the next date to be fixed by the Additional Registrar Judicial.

Paras Doger Registrar (Judicial) 09th November , 2023 (gaurav) DW-1: Statement of Sh. Shiv Kumar aged about 53 years S/o Shri Ram Lok Garg, Village Ambwala & P.O. Panjehara, Tehsil Nalagarh, District Solan, H.P. On Oath 10.11.2023 Stated that I have entered into an agreement for sale with the plaintiffs qua sale of the land measuring 335 bighas. Out of the total land of 335 Bhigas I had entered into an agreement with the plaintiff to sell 220 Bhigas @ Rs. 2,80,000/- per Bigha. The parties to the agreement had agreed that the registry of the aforesaid land is to be executed within one month from the date of agreement initially qua 50 Bhigas of the land. The plaintiffs before entering into the agreement to sale verified all the Revenue documents from the Revenue Authorities. The plaintiffs also met personally with the land owners who were agreed to sell their land pursuant to the agreement. In spite of agreement to sell the plaintiffs did not adhere to the

terms of the agreement and the sale deed was not registered by the plaintiffs. Therefore, they have been fully breach the terms and conditions of the agreement. I personally met the plaintiffs and requested for the execution of the sale deed but the plaintiffs did not pay any heed to my request. The plaintiffs had forged first page of the agreement to sell Ex. PW8/A and thereby change the terms and conditions of the agreement. The plaintiffs in the first page of the agreement Ex. PW8/A has averred that the entire land belongs to me however, I have also entered into the agreement to sell with the other co-owner of the land who had agreed to sell the land to the plaintiffs. Again stated that in the first page of the agreement the plaintiff has changed the wording that the seller has purchased about 220 Bhigas of the land from various land owners through registered sale deed for which mutation No. 700 had been sanctioned in his favour on 7.5.2007 out of the entire land. In fact, as stated above I had also entered into an agreement to sell with the other owners of the land who had interested to sell the land to the plaintiffs. I repeatedly requested the plaintiffs to get the sale deed executed, but they intentionally and willfully did not executed the sale deed and as they were not ready and willing to perform their part of the agreement from the very initiation. I am ready to perform my part of the agreement as of today as per the prevailing market price. The plaintiff has filed a false case against me without any basis, as I am always ready and willing to sell the property as per the agreement.

xxx xxx xxx Shri G.D.Verma Sr. Advocate assisted by Shri Sumit Sharma, Advocate.

The plaintiffs are known to me for the year 2007. I met the plaintiffs through the son of Patwari Sh. Devinder Kumar Gupta. I do not know that the plaintiffs have examined Sh. Devinder Kumar Gupta as PW-8. Sh. Devdinder Kumar Gupat is the resident of Dharmpur District Solan. It is correct that Devinder Gupta(PW-8) convened the meeting with the plaintiffs and myself. It is correct that in that meeting negotiations were conducted regarding the sale and purchase of the land in suit. It is correct that during the negations I have disclosed to the plaintiffs that I have land in village Teedon and Dahar and the price of the land @ Rs. 2,80,000/- per bigha. I have entered into the agreement in the plaintiffs show room at Salogra, District Solan. It is incorrect that I had disclosed to the plaintiffs that the mutation No.700 has been attested in my favour for the land measuring 220 bhigas. I was introduced to the plaintiffs by Sh. Devinder Kumar Gupta one week prior to the date of the execution of the agreement. It is correct that the agreement to sell was executed at Salogra on 19.07.2007. Self stated that the first page of the agreement Ex. PW8/A has been forged by the plaintiffs subsequently. By changing the first page the plaintiffs have amended the details and specifications of the land. It is correct that I am also know as S.K. Garg. It is correct that my fathers name is Sh. R.K. Garg. On 19.07.2007 the plaintiffs handed over to me two cheques amounting to Rs. 25lacs and 35 lacs. It is correct that on the same date the plaintiffs gave me 2.5lacs in cash pursuant to the agreement to sell. It is incorrect that negotiations pertaining to sale and purchase of the land were started between us prior to 07.06.2007. Sh. Ravinder Kumar S/o Sh. Chetter Singh, Stamp Vendor at Kandaghat is known to me. I do not know that the plaintiffs have examined Sh. Ravinder Kumar as PW-7 in the present case on 02.03.2015. I do not know that the agreement to sell Ex. PW8/A was drafted on the stamp papers which were purchased by me above said stamp vendor on 07.06.2007. It is incorrect that the stamp papers which is in the court file as Ex.PW8/A are the same which were purchased by me. It is correct that cheques amounting to Rs. 25lacs and 35 lacs have been credited in my bank account. I have not placed on record any specific jamabandi

pertaining to the sale of 50 bhigas of the land for which the sale deed was to be executed initially. Self stated that I have placed on record entire jamabandi of the land on record. I was ready to execute the sale deed pertaining to the 50 bhigas of the land which is shown in jamabandi for the year 2006-07 Ex. PW6/K and Ex. PW6/L. It is correct that I am not owner in possession of the land specified in Ex PW6/K and Ex. PW6/L. Self state I have entered into an agreement to sell with the owners of the said land. Smt Saraswati widow of Kirpal Singh etc. are owner of the said land which is shown in Ex. PW6/K and Ex. PW6/L. The owners of the said land had entered into the agreement with me @ of 1.25lacs per bhiga. I entered into the agreement with the owners of the said land in the year 2007. I had paid an amount of Rs. 1.12 crore to the owners of the entire land measuring 335 Bhigas. mentioned in Ex. PW6/K and Ex. PW6/L. I have paid the entire amount for the entire land to the land owner which I had entered into the agreement to sell which was to be disbursed amongst the land owners as per their share. Self stated that I had also paid the commission amounting to Rs. 2lacs to Sh. Lakhwinder Singh who is related to the land owners. I had entered into three agreements to sell pertaining to the entire land measuring 335 Bhigas. I had not placed above said three agreements in the Court. I have not filed any civil suit against the land owners on the basis of the above said three agreements. Self stated that I have good relations with the land owners due to which I have not filed any Civil suit against them. It is correct that one criminal case pending adjudication in the Court of Judicial Magistrate Solan, self stated that has been filed against me on wrong facts. I do not know the original agreement pertaining to this case has been filed in that criminal case. It is incorrect that receipt pertaining to Rs. 2,50,000/- is the same vide which I had received the said amount in cash. I also deny the entire agreement Ex. PW8/A. At this stage, ld. Sr. Counsel for the plaintiffs has submitted the witness is required to be confronted with the original to agreement to sale as well as other documents which are placed in the criminal file which are pending for adjudication in the Court of ld. Judicial Magistrate, Solan. The learned Sr. Counsel has submitted that he will take the further course of action for summoning the record of ld. JMIC.

Accordingly, the cross-examination of the witness is deferred today.

RO & AC (Paras Doger) Registrar (Judicial) 11th November, 2023 (gaurav) Civil Suit No. 65of 2011 10.11.2023 Present: Shri G.D.Verma, learned Sr. Advocate with Sh. Sumit Sharma, Advocate, for the plaintiffs Sh. Beli Ram Sharma, Advocate, for the defendant.

Sh. Shiv Kumar DW-1 was present for adducing evidence. During cross-examination learned Sr. Advocate for the plaintiffs has submitted that the witness is required to be confronted with the original agreement to sell as well as other documents which are placed in the Criminal file which is pending for adjudication in the Court of learned JMIC, Solan. The learned Sr. Advocate further submitted that he will take the appropriate further course of action for summoning the record of the learned JMIC.

Accordingly, the cross-examination of this witness is deferred.

Let the case be listed in the Hon'ble Court as and when the steps for summoning of the record of learned Court of JMIC, Solan is taken by the learned Sr. Advocate.

Paras Doger Registrar (Judicial) 09th November , 2023 (gaurav) CMP(M) No. 2019 of 2019 in RSA 16.11.2023 Present: Shri Aditya Chauhan, Advocate, vice counsel for applicant/ appellant.

Ms. Hem Lata Vyas, Advocate, for respondents No. 1(a) to 1(f).

Respondent No.2 already ex-parte.

As per office report, steps for the service of witnesses have not been taken by the applicant. Learned vice counsel seeks some more time for taking the steps.

Let the steps be taken within two weeks, thereafter, the process be issued for service of AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 16th November , 2023 (Pritam) 17.11.2023 Present: Shri Ganesh Barowalia, Advocate, vice Mr. Raj Negi, Advocate, for the appellants. Shri Ashok Kumar, Advocate, vice Mr. Karan Singh Kanwar, Advocate for respondents No. 1 and 2.

None for respondents No. 3 to 6.

Vide order dated 20.10.2023, of the Hon'ble Court, the parties to the lis were directed to remain present before the undersigned to admit the compromise. Smt. Dharmo Devi and Shri Sunil Kumar (Respondents No. 1 and 2) are present, however, the Appellants and Performa Respondents are not present.

Learned vice counsel for the appellants on instructions submits that the parties will be produced on the next date of hearing and he seeks adjournment for today.

Since the actual date for the presence of parties has been given by the Hon'ble Court, therefore, the time for producing the parties cannot be extended by the undersigned.

Accordingly, the case be listed before the Hon'ble Court on the date already fixed i.e. 24.11.2023.

Paras Doger Registrar (Judicial) 17th November, 2023 (Pritam) Note: Court Master is requested to apprise the Hon'ble Court about the above said order at the time of hearing of the matter.

DW-1: Statement of Sh. Ayush Negi S/o Late Shri K.S. Negi, aged about 35 years, presently working as Assistant Manager, National Insurance Company Ltd., Divisional Office Himland Hotel, Shimla-171 001, Himachal Pradesh On Oath 20.11.2023 Stated that I have brought the Authority Letter as well as Power of Attorney Ex. DW1/A, vide which I have been authorized to adduce evidence on behalf of the company. The National Insurance Company vide Board of Resolution dated Mark D1, dated 16.05.1989, has authorized all Senior Divisional Manager, Divisional Managers, Deputy Managers, Assistant Managers and Administrative Officers and Assistant Branch Managers to act appear and prosecute defendant adduce evidence on behalf of the company. Policy DW1/B, Ex. DW1/C and DW1/D were duly issued by the defendant company in favour of plaintiff

for the period 01.04.2003 to 31.03.2004, 03.04.2006 to 02.04.2007 and 01.04.2007 to 31.03.2008, respectively. The terms and conditions of all the three policies are Mark D2, which were issued at the time of above said policies. The plaintiff intimated the defendant company about their claim vide letters Ex.PW1/G to Ex. PW1/J as well as Ex. PW2/D. After receiving the above said letters pertaining to the claim of the company, the defendant company issued the letters Ex.PW1/K and Ex.PW1/L and asked the plaintiff to provide the policy details to the defendant company, which were provided vide letter Ex.PW2/E, dated 15.09.2010. Vide Ex PW1/M, the defendant company asked the plaintiff company to provide the details of claim and documents like FIR etc. The claim Forms Ex. PW1/O to PW1/ Q were submitted by the plaintiff alongwith letter dated 09.12.2010 Ex.PW1/N. The claims of the plaintiff repudiated by the defendant company on the basis of the terms and conditions of the Insurance company vide letters dated 10.03.2011, Ex. PW1/R to Ex. PW1/T. The terms and conditions which were filed by the plaintiff alongwith PW2/A, PW2/B and PW2/C, are not the same, which were issued by the company at the time of issuance of the policy. The insurance claim of the company has been rightly repudiated by the defendant company in view of the terms and conditions at the time of the issuance of the policies.

xxx xxx xxx Shri Bhjupender Gupta Senior Advocate assisted by Shri Janesh Gupta, Advocate.

I am working in the Divisional Office of the Insurance Company Himland Shimla since November 2021. It is correct that the policies Ex. PW/2A to PW/2C (also exhibited as DW1/B to DW/D) were not issued during my tenure in the Branch Office, Shimla. I do not have the personal knowledge about the documents which were issued by the defendant company to the plaintiff. It is incorrect that Mark D2 are not the terms and conditions of the insurance company which were issued to the plaintiff. It is incorrect that the terms and conditions which were annexed with the plaintiff alongwith the insurance policies Ex. PW/2A to PW/2C were issued at the time of issuance of the policies to the plaintiff. I do not know the concerned official who had issued the policies at the relevant point of time. It is incorrect that being an official of the insurance company I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 20th November, 2023 (gaurav) Statement of Shri Jagdish Thakur, Advocate for defendant Insurance-Company.

Without oath 20.11.2023 Stated that I give up Shri Mohit Yadav, Administrative Officer, National Insurance Company Ltd., Divisional Office, Himland, Shimla being repetitive in nature and close the evidence on behalf of the defendants.

RO & AC (Paras Doger) Registrar (Judicial) 20th November, 2023 (Pritam) 20.11.2023 Present: Shri Bhupender Gupta, Senior Advocate with Shri Janesh Gupta, Advocate, for the plaintiff.

Shri Yogesh Malhotra and Shri Jagdish Thakur with Shri Sushant Kishore, Advocates for the defendants.

Statement of Shri Ayush Negi, is recorded as DW/1. Learned counsel for the defendants vide his separate statement has given up Shri Mohit Yadav and close the evidence on behalf of defendants.

Since the evidence on behalf of the parties are complete, therefore, the matter be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 20th November, 2023 (Pritam) CMP(M) No. 1363 of 2022 in RSAST AW1 Statement of Shri Hem Raj S/o Shri Basant Ram aged about 69 years R/o of Village Batlu, P.O. Dakhyora, Tehsil Bijhari, District Hamirpur, Himachal Pradesh.

On oath 21.11.2023 Stated that the judgment was passed by the first appellate Court on 30.09.2021. We were not aware about the date of the judgment passed by the first appellate Court and we were waiting for the correspondence/information from our Advocate regarding the next date of hearing. We have not received any information regarding the next date in our case, so I visited the office of our counsel at Ghumarwin in the month of February 2022, on which our Advocate informed me that no next date has been fixed in our case. However, the case has finally decided by the Court. I asked our Advocate for the certified copy of the judgment then our Advocate informed us that he has applied the copy of the judgment. We received the copy of judgment from our counsel late in the month of April 2022, due to the outbreak of COVID 19 pandemic, during that period. In the intervening period I also contacted our Advocate in the High Court on which our counsel in the High Court informed that there are winter vacations in the High Court he asked us to come after opening of the Court after winter vacation. After opening of the High Court we came to Shimla and handed over the certified copy of the judgment to our counsel on 26.04.2022 for filing the appeal.

CMP(M) No. 1363 of 2022 in RSAST Our counsel also asked for the entire case file for preparation of the appeal. Thereafter, I went again back to Ghumarwin and contacted my counsel, on which my counsel at Ghumarwin told that our file has been misplaced and as and when the file will be traced, he will telephonically informed me. I received the telephone call from our Advocate at Ghumarwin in the month of June, 2022 and thereafter collected the file from the office of our Advocate at Ghumarwin and handed over to my counsel at High Court in the first week of July, 2022. There is no intentional or deliberate delay on my part in filing the appeal.

xxx xxx xxx Shri Neeraj Gupta, Senior Advocate with Shri Pranjal Munjal, Advocate, for the respondents I am Post Graduate. It is incorrect that we did not take the follow up of our case from our Advocate. Self stated that being Senior Citizen, it is not possible for me to go to the Court or to the office of my Advocate personally on each and every hearing. Moreover, during COVID19 period the Govt. had advised the senior citizens not to move frequently outside. I do not know the period of limitation within which the appeal is required to be filed. It is incorrect that in the month of September-October 2021 onwards the restrictions pertaining to COVID 19 were relaxed. It is incorrect that I have received the certified copy of judgment and decree on 20.01.2022. It is incorrect that I was satisfied with the judgments of the Courts below CMP(M) No. 1363 of 2022 in RSAST due to which I did not file the appeal in time. It is incorrect that in order to harass the respondents, I have filed the present appeal at belated stage. It is incorrect that I have intentionally and deliberately did not contact my counsel either at Ghumarwin or at Shimla for filing the appeal. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 21st November, 2023 (Pritam) CMP(M) No. 1363 of 2022 in RSAST Statement of Shri Atul Kumar, Advocate for the applicant Without oath 21.11.2023 Stated that I give up other witnesses mentioned in the list of witnesses being repetitive in nature and close the evidence on behalf of the applicants.

RO & AC (Paras Doger) Registrar (Judicial) 21st November, 2023 (Pritam) CMP(M) No. 1363 of 2022 in RSAST 21.11.2023 Present: Shri Atul Kumar, Advocate, for the applicants.

Shri Neeraj Gupta, Senior Advocate with Shri Pranjal Munjal, Advocate, for the non-applicant/respondent No.1.

Respondents No.3 and 4 already ex-parte.

Statement of Shri Hem Raj, is recorded as AW/1. Learned counsel for the applicants vide his separate statement has given up the other witnesses mentioned in the list of witnesses being repetative in nature and close the evidence on behalf of the applicants.

Learned Senior Counsel for the non-applicant seeks time for taking the steps for RWs. Let the steps be taken within fifteen days, thereafter, the process be issued for service of RWs returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 21st November, 2023 (Pritam) CMP(M) No. 577 of 2023 in RSA No. 350 of 2011 AW1 Statement of Shri Kushal Singh S/o Shri Jodha Mal aged about 46 years R/o of Village Dalgaon, P.O. Kutara, Tehsil Rohru, District Shimla, Himachal Pradesh.

On oath 22.11.2023 Stated that I am posted as Secretary at Gram Panchayat Karalash, Tehsil Rohru, District Shimla, Himachal Pradesh. The Birth and Death Register is to be maintained by the Secretary of the concerned Gram Panchayat. I have brought the original Birth and Death Register. As per the record maintained by me in the Gram Panchayat Shri Jania Ram S/o Shri Thebu Ram, has died on 06.04.2018. The Death Certificate Ex. AW1/A has been prepared and signed by me which is true and correct as per the original record brought by me today (original seen and returned).

xxx xxx xxx Shri Pranjal Munjal, Advocate, for the respondents The Death Certificate has been issued by me on 17.05.2023.

RO & AC (Paras Doger) Registrar (Judicial) 22nd November, 2023 (Pritam) CMP(M) No. 577 of 2023 in RSA No. 350 of 2011 AW2 Statement of Shri Krishan Singh S/o Shri Singhi Ram aged about 65 years R/o of Village Thamtari (Karalash, P.O. Kansakoti, Tehsil Rohru, District Shimla, Himachal Pradesh.

On oath 22.11.2023 Stated that I have been intimated by my counsel on 16.05.2023 that Jania (respondent) has died. My counsel further asked me to bring the Death Certificate of Jania, so that steps for bringing on record the LRs of Jania can be taken. Therafter, I visited the office of Secretary

Gram Panchayat Karalash and verify the fact qua the death of Jania and applied for the Death Certificate of respondent Jania. Therafter, I supplied the copy of Death Certificate to my counsel and filed the application in the Court. My litigation with the respondent is going on since 2004. My family is not in speaking and visiting terms with the respondent family. We do not have any social relation with each other. I was not aware about the factum of the death of respondent (Jania) until the same fact was disclosed to me by my counsel.

xxx xxx xxx Shri Pranjal Munjal, Advocate, for the respondents.

There are different inhabitation of different families at some distances in our village. It is incorrect that respondent (Jania) use to reside within our inhabitation area. Self stated that he use to reside at about 500 meters away from the place, where we are residing. It is incorrect CMP(M) No. 577 of 2023 in RSA No. 350 of 2011 that after the two days of the death of Jania, I visited the house of Jania with Shri Devender Fista. It is incorrect that the path which leads to cremation ground passes infront of my house. It is incorrect that I was well aware about the factum of the death of Jania (respondent), when I visited the house of Jania after his death. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 22nd November, 2023 (Pritam) CMP(M) No. 577 of 2023 in RSA No. 350 of 2011 Statement of Shri Sumit Sharma, Advocate for the applicant.

Without oath 22.11.2023 Stated that I give up Shri Hardyal Singh being repitative in nature and close the evidence on behalf of the applicant.

RO & AC (Paras Doger) Registrar (Judicial) 22nd November, 2023 (Pritam) CMP(M) No. 577 of 2023 in RSA No. 350 of 2011 22.11.2023 Present: Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for the applicant. Shri Pranjal Munjal, Advocate, for the proposed LR's.

Statement of Shri Kushal Singh and Shri Krishan Singh, are recorded as AW/1 and AW/2, respectively. Learned counsel for the applicant vide his separate statement has given up the other witnesses mentioned in the list of witnesses being repatative in nature and close the evidence on behalf of the applicant.

Learned Counsel for the non-applicant seeks time for taking the steps for RWs. Let the steps be taken within fifteen days, thereafter, the process be issued for service of RWs returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 22nd November, 2023 (Pritam) OMP(M) No. 42 of 2016 in RSA No. 4272 of 2013 AW4 Statement of Shri Hira Lal S/o Shri Tej Ram aged about 70 years R/o of Village & P.O. Dughilag, Tehsil and District Kullu, Himachal Pradesh.

On oath 23.11.2023 Stated that the land in dispute belongs to me and my brothers. My dispute pertaining to the land in lis is with LR's of Tej Ram. We had filed a Civil Suit against Shri Tej Ram in the Court of Civil Judge (Senior Division), L&S at Kullu, which was decreed in our favour.



Thereafter, the other party filed an appeal before the Court of District Judge Kullu, which was also dismissed. Thereafter, Tej Ram filed the Second appeal in the High Court, which is pending adjudication. The High Court initially granted the stay order in the present appeal vide order dated 08.11.2013, which was subsequently confirmed on 26.12.2013. In order dated 08.11.2013, the the High Court directed parties to the lis to maintain status quo qua nature and possession of the suit land. Inspite of the stay order from the High Court Tej Ram got the disputed land demarcated from the Revenue department and sought the permission from the Forest Department for cutting the trees. Thereafter, I filed an application CMP No. 16333 of 2014, which was disposed of as infructuous on 24.04.2015 as contemnor had died. I had also filed another application for the stay before the High Court, which was registered as CMP No. 16334 of 2014. In the reply to the application CMP No. 16333 of 2014, the contemnor in his reply had OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 also tendered the apology. After the death of Tej Ram his LR's handed over the possession of the suit property to M/s Gour Hydro Power Project, Private Limited. Inspite of our resistance not to hand over the possession to the Power Project, they handed over the possession to Gour Hydro Power Project. Thereafter, we issued notice Ex. AW1/A to Gour Hydro Power Project, since they had constructed the road on the suit land and the debris were thrown in the adjoining land, which belongs to us. The Power Project had started to construct the road in the suit land on 17.09.2016. Thereafter, I again filed the present application under order 39 Rule 2-A CPC for disobeying the orders of the Court by the respondents. In the said application the High Court appointed one Local Commissioner, namely Smt. Aruna Chauhan, Advocate. Local Commissioner visited the spot and thereafter filed her report Ex. AW2/A, in the Court. The Power Project did not stop the work nor handed over the possession to us. The Power Project had started the work on account of the possession given by the LR's of Tej Ram, who are stranger to the suit property. The respondents have intentionally and delebrately disobeyed the orders of Hon'ble Court.

xxx xxx xxx Shri Mukul Sood, Advocate, for the non-applicants/appellants. I have filed the suit in Kullu Court for declaration. It is correct that I have not filed any ddocument with any application from which it could be OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 inferred that the LR's of Tej Ram had handed over the possession to Gour Power Project. It is correct that in the year 2010 and 2012, Tej Ram had executed the lease deeds of the said land in favour Osaka Hydro Power Project. It is correct that thereafter neither Tej Ram nor his LR's leased the said land in favour of any person or Project. It is incorrect that the LR's of Tej Ram are residing about 25 Kms. away from the land in dispute. Self stated that they are residing 4-5 Kms. away. It is correct that the dumping in the land in dispute has not been done by LR's of Tej Ram. Self stated that the dumping has been done by the Power Project in connivance with LR's of Tej Ram. It is incorrect that there was orchard on the disputed land which was washed out later on due to floods. It is incorrect that the road was already in existence on the disputed land. Self stated that land in disputed was in the shape of fields. In the revenue record the disputed land has been recorded as fields. I have seen the report filed by the Local Commissioner. It is incorrect that the Local Commissioner has pointed out that there is no violation on the part of Tej Ram. It is incorrect that there is no role of LR's of Tej Ram in any construction on the disputed land. It is incorrect that neither Tej Ram nor his Lrs have violated the order of the Court. It is incorrect that I am deposing false.

OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 xxx xxx xxx Shri Ajay Vaidya, Advocate, for the respondents No. 4 (Sarwari Power Project).

Opportunity given. Nil.

RO & AC (Paras Doger) Registrar (Judicial) 23rd November, 2023 (Pritam) OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 Statement of Ms. Kusum Chaudhary, Advocate for the applicants.

Without oath 23.11.2023 Stated that I close the evidence on behalf of applicants since the list of witnesses have exhausted.

RO & AC (Paras Doger) Registrar (Judicial) 23rd November, 2023 (Pritam) OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 23.11.2023 Present: Shri Bimal Gupta, Senior Advocate, with Ms. Kusum Chaudhary, Advocate, for the applicants.

Shri Mukul Sood, Advocate, vice Mr. Sanjeev Sood, Advocate, for the non- applicants/appellants.

Shri Ajay Vaidya, Advocate, for respondent No.4, (Sarwari Power Project).

Statement of Shri Hira Lal is recorded as AW4. Learned counsel for the applicants vide her separate statement has closed the evidence on behalf of the applicants.

Learned vice Counsel for the non-applicants seeks time for taking the steps for RWs. Let the steps be taken within fifteen days, thereafter, the process be issued for service of RWs returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 23rd November, 2023 (Pritam) CMP(M) No. 891 of 2022 in RSA 46 of 2017 24.11.2023 Present: Shri G.R. Palsra, Advocate, for the applicants.

Ms. Shikha Chauhan, Advocate, for the respondents.

Learned counsel for the applicants seeks some more time for producing the witnesses on behalf of the applicants.

Let the witnesses be produced on self responsibility on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 24th November, 2023 (Pritam) 30.11.2023 Present: Shri Vikas Deep, Advocate, for the plaintiff.

Mr. Vedhant Ranta, Advocate, vice Mr. Janesh Gupta, Advocate, for the defendant.

As per previous order dated 13.10.2023, the plaintiff was required to be produced on self responsibility for adducing his evidence.

Learned counsel for the plaintiff submits that due to some urgency, the plaintiff could not come to the Court for adducing his evidence. Learned counsel for the plaintiff seeks more time for producing the plaintiff on self responsibility.

Let the plaintiff be produced on self responsibility on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 30th November, 2023 (Pritam) 01.12.2023 Present: Shri Amit Sharma, Advocate, for the plaintiff.

Shri. Naveen Awasthi, Advocate, vice H.S. Upadhaya, Advocate, for the for the defendant.

The case was listed for plaintiff's evidence and the plaintiff is to be produced on self responsibility. Learned counsel for the plaintiff submits that due to critical situation of mother-in-law of Shri Vikas Jain (PW3), whose cross examination has been deferred by the Court on 04.10.2019, he is unable to come to the Court for adducing his evidence and sought adjournment for today.

Keeping in view of the reasons submitted by the learned counsel for the plaintiff, the matter is adjourned for today. Let PW3 (Vikas Jain) be produced on the next date of hearing on self responsibility for his cross examination for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 1st December, 2023 (Pritam) Statement of Shri Naresh Kumar Sharma, the then Court Master, High Court of Himachal Pradesh, Shimla-171 001.

Stated that in the year 2019, I was posted as Court Master with Hon'ble Ms. Justice Jyotsna Rewal Dua. During that relevant time, Hon'ble Ms. Justice Jyotsna Rewal Dua, used to sit in Division Bench with Hon'ble Mr. Justice Dharam Chand Chaudhary, J. (Retd.). The said case was listed before the aforesaid Division Bench and the judgment in the said matter was delivered on the same day, therefore, there is no question of retaining the record. Moreover, on that day after hearing the arguments, the matter was assigned to Hon'ble Ms. Justice Jyotsna Rewal Dua, for dictating the judgment. The record pertaining to that case never handed over to me, since the judgment was delivered on the same day and the same may be handed over to the concerned person who has typed the judgment.

RO & AC (Paras Doger) Registrar (Judicial) 2nd December, 2023 (Pritam) Civil Suit No. 95 of 2020 a/w Civil Suit No. 108 of 2021 04.12.2023 Present: Mr. Neeraj Thakur, Advocate, vice Mr. Maan Singh, Advocate, for the plaintiff in Civil Suit No. 95 of 2020 and defendant/counter claimant in Civil Suit No. 108 of 2021. Mr. Janmajai Chauhan, Advocate, vice Mr. Sunil Mohan Goel, Advocate, for the defendant in Civil Suit No. 95 of 2020 and for the plaintiff/counter claimant in Civil Suit No. 108 of 2021. Learned vice counsel for the plaintiff in Civil Suit No. 95 of 2020, submits that no witness is present today as they have not been informed since the wife of the original counsel is admitted in the hospital. Learned vice counsel seeks time for producing the plaintiff witnesses on the next date of hearing on self responsibility.

Learned vice counsel for the defendant/counter claimant has not objection to the prayer made by learned vice counsel for the plaintiff.

Accordingly, the matter is adjourned for today. Let the the plaintiff in Civil Suit No. 95 of 2020, be produced on self responsibility on the next date of hearing to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 4th December, 2023 (Pritam) 05.12.2023 Present: Mr. Peeyush Verma, Advocate, for the plaintiff.

Mr. Amit Himalvi, Advocate, vice Mr. M.S. Katoch, Advoccate for defendants No. 1 and Ms. Aruna Chauhan, Advocate, for defendant No.3.

As per the office report, summons issued to PW mentioned at Serial No. 1 in the list of witnesses is still awaited. Learned counsel for the plaintiff further submits that the plaintiff is not available due to his illness. Learned counsel submits that he will produce the plaintiff on the next date of hearing on self responsibility.

Accordingly, let the plaintiff be produced on self responsibility and PW mentioned at Serial No.1 be again summoned for adducing their evidence for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 5th December, 2023 (Pritam) Statement of Balwinder Singh, Co-ordinator-HR FMABIL, Plot No.5, Sector-II, Parwanoo, District Solan, Himachal Pradesh.

Stated that I have been duly authorized by the company vide letter dated 25th July, 2022 and Board of Director Resolution dated 8th December, 2015, to make statement on behalf of the Company. I am placing on record the letter dated 25.07.2022 and copy of the resolution of Board of Director dated 08.12.2015 (original seen and returned).

The Company has entered into compromise in the present CWP No. 1715 of 2018 and has agreed to pay an amount of Rs.5,00,000/- (Rs. Five lacs only) as full and final settlement of service benefits including gratuity to the LRs of Shri Ram Surat Yadav, who was working with our company. In lieu of the settlement arrived at with the LRs of Shri Ram Surat Yadav, the Company is ready to hand over a cheque No.012251, dated 04.12.2023, amounting to Rs.5,00,000/- (Rs. Five lacs only) drawn in HDFC Bank, Kalka Haryana in favour of Shri Sarvesh Kumar Yadav, S/o Shri Ram Surat Yadav, who has been duly authorized by Smt. Dulari Devi, Shri Manish Kumar Yadav and Ms. Sarla Yadav. I am also placing on record the copy of the settlement (the same has been taken on record).

In view of the full and final amicable settlement, the case may be disposed of.

RO & AC (Paras Doger) Registrar (Judicial) 5th December, 2023 (Pritam) Statement of Sarvesh Kumar Yadav S/o Shri Ram Surat Yadav, R/o village Puraghanee, P.O. Ambari, Tehsil Phoolpur, District Azamgarh, U.P. Stated that I have been duly authorized by my mother, brother and sister to

enter into compromise with the Company. They have authorized me to make the statement and enter into the compromise and receive the money on my and their behalf vide Special Power of Attorney dated 30.11.2023 (which is taken on record). The Company has offered an amount of Rs.5,00,000/- (Rs. Five lacs only) as full and final settlement, which is agreeable to me and my mother, brother and sister.

In view of the compromise entered between myself, mother, brother and sister as well as Company, the case may be disposed of accordingly. I am making the above said statement voluntarily and without any undue influence and coercion. The settlement dated 04.12.2023, bears my signature.

RO & AC (Paras Doger) Registrar (Judicial) 5th December, 2023 (Pritam) 05.12.2023 Present: Mr. Rahul Mahajan, Advocate, for the petitioner.

Mr. V.D. Khidta, Advocate, for the respondents.

As per mention memo received from the Secretary to Hon'ble the Chief Justice, the undersigned was directed to record the statements. In compliance of the aforesaid direction of Hon'ble the Chief Justice, statement of Shri Balwinder Singh (Petitioner) and Shri Sarvesh Kumar (Special Power of Attorney respondent), are recorded.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 5th December, 2023 (Pritam) Note: Court Master of the Hon'ble Court is requested to -

apprise the Hon'ble Court with respect to recording of statements at the time of taking up of the matter.

CMP(M) No. 478 & 479 of 2023 06.12.2023 Present: Mr. Vinod Gupta, Advocate, for the applicant.

Mr. Abhishek Sharma, Advocate, for the respondent.

As per office report, steps i.e., list of witnesses, road and diet money etc., has not been taken by the applicant till date. Learned counsel for the applicant seeks some time for taking the steps.

Let the steps be taken within fifteen days, thereafter the process be issued for the service of AWs returnable for 10.01.2024.

Paras Doger Registrar (Judicial) 6th December, 2023 (Pritam) Criminal Appeal No. 612 of 2015 Statement of ASI Rakesh Kumar, Police Station Dhalli, Shimla-12, Himachal Pradesh.

On Oath 06.12.2023 Stated that the SHO Police Station Dhalli, Shimla, H.P., handed over me proclamation notice for affixing the same at some conspicuous place of Village Kach-ka-Para, P.O. Arangi, Police Station Ghagra, Tehsil and District Gumla Jharkhand, in which the accused Suresh

Urao used to reside. In compliance to that I affixed the copy of proclamation on 05.10.2023, at the residence of the accused in the presence of witnesses (parents of the accused). The said proclamation was read over to the general public present at that time. I on the same day, i.e. on 05.10.2023, also affixed the second copy of proclamation notice at conspicuous place (Chuoraha) of the Village Kach-ka-Para in the presence of the witnesses and the same was read over to the general public present there at that time. Further, on 04.11.2023, I also affixed the copy of the proclamation on the notice Board of the High Court of Himachal Pradesh in the presence of the witnesses. The signatures of the witnesses were also obtained by me on the back side of the proclamation notice. After affixation of proclamation notices at the respective Criminal Appeal No. 612 of 2015 places, I submitted the compliance report to SHO, Police Station Dhalli, Shimla.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 6th December, 2023 (Pritam) 06.12.2023 Present: Mr. Y.P. Sood, Advocate, for the plaintiff.

Ms. Parul Negi, Advocate, for the defendants.

Shri Kitab Singh and Shri Neelam Kumar, witnesses of the defendants are present today. Learned counsel for the defendants submits that the defendants want to place on record certain document, which could not be inadvertently filed with the written statement. Learned counsel for the defendants seeks time to move the appropriate application for placing on record the documents.

Learned counsel for the plaintiff opposed the prayer of the defendants.

In the interest of justice one opportunity is granted to the defendants for doing the needful. Let the case be listed before the Hon'ble Court after filing the appropriate application, if any, by the defendants.

Paras Doger Registrar (Judicial) 6th December, 2023 (Pritam) Criminal Appeal No. 612 of 2015 06.12.2023 Present: Ms. Ayushi Negi, Deputy Advocate General for the appellant-State.

None for the respondents.

In compliance to the order dated 22.11.2023, statement of ASI Rakesh Kumar, Police Station Dhalli, Shimla, is recorded who has affixed the proclamation notice.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 6th December, 2023 (Pritam) 07.12.2023 Present: Mr. Rajiv Chauhan, Advocate, for the applicant.

Mr. Surinder Saklani, Advocate, for the respondent.

As per office report, the list of witnesses has been filed on 04.12.2023. Learned counsel for the applicant has submitted that the appellant has to come from Kinnaur but due to some personal

work, he could not come to the Court today. Learned counsel further submits that he will produce the witnesses (AWs) as mentioned in the list of witnesses on self responsibility on the next date of hearing.

Let the case be listed before Additional Registrar (Judicial) for AWs.

Paras Doger Registrar (Judicial) 7th December, 2023 (Pritam) 07.12.2023 Present: Ms. Ranjna Patial, Deputy Advocate General for the applicants.

None for the respondents.

As per office report, the AWs in the present CMP(M) has been duly served and the date of evidence on behalf of the applicant has been fixed for 20.12.2023.

CMP(M) No. 668, 670, 672 & 673 of 2023 As per office report, in these connected matters, the steps have not been taken by the applicants. Learned Deputy Advocate General has submitted that she will take the steps within three days and prayed that these matters be also listed for AWs alongwith CMP(M) No. 669 of 2023, since almost the same witnesses are required to be examined in all the matters.

Accordingly, let the steps be taken within three days, thereafter, the process be issued for service of AWs returnable for 20.12.2023.

Paras Doger Registrar (Judicial) 7th December, 2023 (Pritam) Criminal Appeal No. 292 of 2021 11.12.2023 Present: Ms. Ranjna Patial, Deputy Advocate General for the appellant.

None for the respondents.

In compliance to the order dated 04.12.2023, of the Hon'ble Court, statement of LC Priyanka Sharma 316, is recorded, who has affixed the proclamation.

Accordingly, let the case be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 11th December, 2023 (Pritam) Criminal Appeal No. 292 of 2021 Statement of Ms. Priyanka Sharma, LC 316, PP Junga, Police Station Dhalli, Shimla-12, Himachal Pradesh.

On Oath 11.12.2023 Stated that the SHO Police Station Dhalli, Shimla, H.P., handed over me proclamation notice for affixing the same at some conspicuous place of Village Pendali, Gram Panchayat Bharech, P.O. Junga, Tehsil and District Shimla, in which the accused Sandeep S/o Shri Jeet Bahadur, used to reside. In compliance to that I affixed the copy of proclamation on 02.08.2023, at the Notice Board of Tehsil Junga, in the presence of witnesses Shri Visheshwar Sharma, (Reader of the Naib Tehsildar). On the same day, I also affixed the proclamation notice at the Notice Board of Gram Panchayat Bharech, in the presence of Pardhan Shri Madan Mohan

Thakur and the same was read over to the general public present there at that time. On 03.08.2023, I also affixed the copy of proclamation notice at the Notice Board of the office of District and Sessions Judge Court, Shimla, in the presence of Shri Prem Dogra (Naib Court of the said Court). The signatures of the witnesses were also obtained by me on the back side of the proclamation notice. After affixation of proclamation notices at the respective Criminal Appeal No. 292 of 2021 places, I submitted the compliance report to SHO, Police Station Dhalli, Shimla.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th December, 2023 (Pritam) CMP No. 2831 of 2021 in RSa No. 511 of 2016 11.12.2023 Present: None for the parties.

Neither any counsel nor any witness is present.

Let the case be listed before Additional Registrar (Judicial) for fixing the next date for remaining AWs.

Paras Doger Registrar (Judicial) 11th December, 2023 (Pritam) PW-12 Statement of Shri Saurabh Kumar, S/o Late Shri Santosh Kumar aged about 37 years, presently working as Superintendent (Legal) in the office of Principal Commissioner CGST, Chotta Shimla-171 002, H.P. On Oath 12.12.2023 Stated that I am presently working as Superintendent (Legal) in the office of Principal Commissioner CGST, Chotta Shimla, Himachal Pradesh. I have brought the summoned record. The lease agreement dated 23.03.2018 Ex.PW12/A (six leaves), which is true and correct as per the original retained by our office, except the original above said lease deed I have not brought any other record. The original file of our office has been sent to CPWD office for renewal of the lease-cum-license agreement. Mark P pertains to the noting of our official file, which is not maintained in our office generally in the physical form.

At this stage, learned counsel for the plaintiff submits that since this witness has not brought the entire original record, therefore, the witness present today may be deferred. Accordingly, the witness is deferred for today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 12th December, 2023 (Pritam) PW-13 Statement of Shri Jagdish Gupta, S/o Late Shri T.R. Gupta aged about 57 years, presently working as Assistant Registrar, H.P., State Information Commission, Keonthal Complex, Khalini, Shimla- 171 002, H.P. On Oath 12.12.2023 Stated that I have not brought the entire original summoned record as the same has been sent to the Government of Himachal Pradesh for approval, budget and permission for acquiring the accommodation.

At this stage, learned counsel for the plaintiff submits that since this witness has not brought the entire original record, therefore, the witness present today may be deferred. Accordingly, the witness is deferred for today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 12th December, 2023 (Pritam) 12.12.2023 Present: Ms. Sunita Sharma, Senior Advocate, with Shri Ranvir Singh, Advocate, for the plaintiff.



and 2 None for defendant No.3.

Shri Saurabh, Superintendent (Legal) from the office of CGST, Chotta Shimla, (PW-12), Shri Jagdish Gupta, Assistant Registrar (PW-13), from the office of H.P. State Information Commission, Shri B.C. Sharma, are present. The examination of Shri Saurabh and Shri Jagdish Gupta are deferred today since these witnesses have not brought the entire original record. Shri B.C. Sharma, (Expert) is also present today but learned counsel for defendants No. 1 and 2, showed his inability to cross examine to this witness since the report prepared by the Shri B.C. Sharma (Expert) has been handed over to him yesterday only. Learned counsel for the plaintiff has no objection qua the non-examination of Shri B.C. Sharma, today.

As per the office report the witness shown in the list of witness at Sl. No. 1 is also not present. The diet money to Shri B.C. Sharma has been paid by the plaintiff in cash today.

Let the PWs mentioned in the list of witnesses dated 12.10.2023, be again summoned for the date to be fixed by the Additional Registrar (Judicial) on taking fresh steps within fifteen days.

Paras Doger Registrar (Judicial) 12th December, 2023 (Pritam) 13.12.2023 Present: Mr. Ranbir Singh, Advocate vice Mr. Dhananjay Sharma, Advocate, for the plaintiff. Mr. Rajesh Kumar, Advocate, for the defendant.

Let the case be listed on 01.03.2024 for evidence of the plaintiff/authorized person of the plaintiff/Board. Steps for summoning the plaintiff/authorized representative of the plaintiff be taken within fifteen days. Rest of the plaintiff witnesses will be summoned subsequently after the examination of the plaintiff/authorized representative of the Board.

Paras Doger Registrar (Judicial) 13th December, 2023 (Pritam) 13.12.2023 Present: Ms. Nishi Goel, Advocate, for the plaintiffs.

Ms. Sunaina, Deputy Advocate General, for the defendants.

As per office report, two witnesses mentioned in the list of witnesses of the defendants are duly served. Shri Ashwini Kumar, Patwari, Patwar Circle Bhangrotu, Tehsil Balh, District Mandi, H.P., and Shri Thakur Dass, Patwari, Patwar Circle Bagla, Tehsil Balh, District Mandi, H.P. are present.

Learned Deputy Advocate General has submitted that these witnesses have not brought any record for adducing their evidence. However, the perusal of the list of the witnesses as well as PF filed on behalf of the defendants depicts that no documents have been mentioned, which are required to be brought/proved by these witnesses.

Learned Deputy Advocate General seeks for adjournment today in order to verify what evidence is to be led by the State by examining these witnesses.

Accordingly, on the request of learned Deputy Advocate General the matter is adjourned for today. The witnesses present today are discharged. Let fresh steps be taken within fifteen days. Thereafter the process be issued for the service of the witnesses of the defendants again for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 13th December, 2023 (Pritam) 13.12.2023 Present: Mr. Hemant Kumar Thakur, Advocate, for the petitioner.

Mr. Vikas Rajput, Advocate, for the respondents.

In compliance to the order dated 06.12.2023, the electronic device i.e., one Pen Drive was taken out from the envelop, marked as Annexure-P-3 in the presence of learned counsel for the parties. The video clippings of driving test of the person having Roll No. 30527, was viewed in the presence of learned counsel for the parties. As per the Video Clipping taken from CAM 2, the driver having Roll No. 30527, who was driving the vehicle at 11:11:29 hours has appeared to touch the front wheel with white line and at 11:12:05 hours as well as 11:12:21 to 11.12.23 hours, the rear wheel of the vehicle has also appeared to have been touched with the white line.

Accordingly, in compliance to the orders of the Hon'ble Court, report is submitted. After viewing the clipping the Electronic Device i.e. Pen Drive is put inside the same envelop marked as Annexure P-3.

Paras Doger Registrar (Judicial) 13th December, 2023 (Pritam) Note: Court Master is requested to apprise the above said report to the Hon'ble Court at the time of hearing of the matter.

Statement of Shri Yashwant Singh Chauhan, Private Secretary, High Court of Himachal Pradesh, Shimla-171 001.

Stated that in the year 2019, I was posted as Private Secretary with Hon'ble Ms. Justice Jyotsna Rewal Dua. At that time, Hon'ble Ms. Justice Jyotsna Rewal Dua, used to sit in Division Bench with Hon'ble Mr. Justice Dharam Chand Chaudhary, J. (Retd.). On 30.10.2019, the judgment in CWP No. 2521 of 2019 was dictated to me by Hon'ble Ms. Justice Jyotsna Rewal Dua, and was typed by me. After typing the same, I handed over the draft of the judgment as well as the case file to the Hon'ble Judge through Secretary (Shri Gopal Kaushal) to the Hon'ble Judge. However, I had not retained any record in this case, since the case has been dictated on the same day by the Hon'ble Judge.

RO & AC (Paras Doger) Registrar (Judicial) 13th December, 2023 (Pritam) Submitted that in compliance of order dated 04.12.2023, of Worthy Registrar General, Shri Yashwant Singh Chauhan, Private Secretary of this Registry, who has typed the judgment dictated by Hon'ble Ms. Justice Jyotsna Rewal Dua, J., recorded his statement today i.e. 13.12.2023. Accordingly, the matter is submitted after recording the statement, which is placed on the file.

(Paras Doger) Registrar (Judicial) 13.12.2023 Worthy Registrar General DW-5 Statement of Shri Mast Ram S/o Shri Sita Ram aged about 63 years, presently working as Company Secretary in

Practice, H. No. 3443/2, Sector-45-D, Chandigarh.

On Oath 14.12.2023 Stated that I am practicing as Company Secretary since 1997 in the name and style of MRCHECHI and Associates, Company Secretary. Shri Parveen Kumar, present Director of the Company of M/s Radiant Cement Company came in my contact in the year 2009, when he was introduced to me by Mr. Vijay Singla, the then Director of M/s Radiant Cement Company. I was consultant of the Radiant Cement Company when Shri Vijay Singla was Director of the said company. When the company was taken over by Shri Parveen Kumar and others I handed over the certified copy of minutes of the meeting dated 05.06.2009, 06.06.2009 and 12.06.2009. On the certified copies of the minutes of the meeting I appended my signature before handing over the same to Shri Parveen Kumar. The copies of the above said minutes of the meeting are Ex.DW5/A, DW5/B and DW5/C, respectively. I have certified the above said minutes of the meeting from the original minutes of the company. The minutes of the meeting were duly signed by the then Chairman Shri Vijay Singla, which is in red circle A of Ex. DW5/A. The minutes of the meeting duly signed by the Chairman Shri Parveen Kumar is in red circle B of Ex. DW5/B and in red circle C of Ex. DW5/C. I am conversant with the signatures of Shri Vijay Singla and Shri Parveen Kumar.

xxx xxx Mr. Ajeet Pal Singh Jaswal, Advocate, for defendant No.1.

Opportunity given-Nil.

xxx xxx Mr. Ajay Kumar Sood, Senior Advocate with Mr. Rohit, Advocate for plaintiff.

It is correct that there is a reference of Vijay Bhandari in the minutes of the meeting Ex. DW5/A to DW5/C. Self stated that by virtue of these minutes the previous acts of the previous management has been rectified and adopted by the new management. I am not aware about the transactions entered into the previous management of the company with Shri Vijay Bhandari, though in the minutes produced by me today, there is a reference of Shri Vijay Bhandari and some transactions between Vijay Bhandari and the previous management. It is correct that the responsibility of that transaction was taken by the new management. Self stated that the minutes of the meeting are prepared by the company and I have only certified the minutes of the meeting being consultant of the company. It is correct that I use to give my professional services and expertise to Shri Vijay Singla the then Director of the company. As of date I am not working with Shri Vijay Singla. R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th December, 2023 (Pritam) Statement of Shri Khem Raj, Advocate, High Court of Himachal Pradesh, Shimla.

Without Oath 14.12.2023 Stated that I give up Managing Director of M/s Radiant Cement Company, mentioned at Serial No.1, in the list witnesses because the documents sought to be proved by this witness has already been exhibited and proved not opposed by the opposing counsel. R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th December, 2023 (Pritam) 14.12.2023 Present: Mr. Ajay Kumar Sood, Senior Advocate with Mr. Rohit, Advocate, for the plaintiff. Mr. Ajeet Pal Singh Jaswal, Advocate, for defendant No.1.

Mr. Ashok Sood, Senior Advocate with Mr. Khem Raj, Advocate, for defendant No.2.

Statement of Shri Mast Ram, is recorded as DW-5 today. The remaining witnesses on behalf of defendant No.2, be produced on the next date of hearing on self responsibility.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date for DWs.

Paras Doger Registrar (Judicial) 14th December, 2023 (Pritam) 14.12.2023 Present: Ms. Sunaina, Deputy Advocate General for the petitioner.

Ms. Kritika Sharma, Advocate, for the respondent.

As per office report, Bank Guarantee for release of 50% amount deposited in the Registry has been filed on behalf of the applicant/respondent on 23.09.2023, and verification letter of the Bank Guarantee No. 87000ILG000823, amounting to Rs.59,72,000/-, has been received from Punjab National Bank, Bachat Bhawan, Hamirpur, District Hamirpur, H.P. As per the confirmation letter dated 23.11.2023, the Bank Guarantee amounting to Rs.59,72,000/- has been issued on 22.09.2023 and the same is valid till 21.09.2024 and the claim validity period is 21.10.2024. In pursuance of the confirmation letter received from the Punjab National Bank, Bachat Bhawan, Hamirpur, District Hamirpur, H.P., the above said Bank Guarantee filed by the applicant/respondent is accepted.

Let the matter be further processed in compliance of the order of Hon'ble Court dated 15.09.2023.

Paras Doger Registrar (Judicial) 14th December, 2023 (Pritam) CMP No. 967 of 2023 in RSA No. RSAST No. 21332 of 2023 15.12.2023 Present: - None for the applicant.

Mr. Daleep Chand, Advocate, vice counsel for the respondents.

.

As per the office report, rejoinder to the reply to CMP (M) No. 967 of 2023, is still awaited and steps i.e. PF, Road and Diet Money and List of Witnesses have not been filed by the applicant yet.

Let the steps be taken by the applicant within fifteen days, thereafter, the process be issued for the service of the witnesses (AWs) for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 15th December, 2023 (Pritam) Statement of Shri Gopal Kaushal, Secretary, High Court of Himachal Pradesh, Shimla-171 Stated that I am working as Secretary with Hon'ble Ms. Justice Jyotsna Rewal Dua, J., since 201. I do not remember about this particular case nor I am aware that any record pertaining to this case was handed over to me. The draft judgment might have been given to me by Shri Yashwant Singh, Private Secretary to me which might have been handed over by me to the Hon'ble Judge as per the general practice. Further, no record pertaining to this case nor of any case is/was being handed over to the Secretary by the Private Secretaries/ Judgment Writers/ Stenographers, when the draft judgment is handed over to the Secretary RO & AC (Paras Doger) Registrar (Judicial) 18th December, 2023 (Pritam) CMP(M)ST No. 7519 of 2019 in RSA AW-1 Statement of Shri Bhup Singh S/o Shri Chimna Ram aged about 66

R/o of Village House No. 352 of 11, Muhalla Thanera (Tarna, Tehsil and District Mandi, Himachal Pradesh.

On Oath 18.12.2023 Stated that I am residing in the above stated address since last 40 years. However, I have purchased the land on which I have built the house have been purchased by me in the year 1989 from Shri Janku Ram. At the time of purchasing the land Shri Janku Ram informed me that the path to my land leads from the Govt. land having Khasra No. 1570, which is in front of my land. I came to know about the decision of the Civil Suit No. 42 of 2007, filed by Shri Janku against the State of Himachal Pradesh in February 2019. When the LR's of the Janku started to restrain the path which leads to my house. The said path also leads to other part of the Mohalla where 15.20 houses are situated. When the LR's of Janku started to restrain the above said path then I inquired from them about the cause of restraining the path then they informed that the land in dispute is owned by them and we do not have any right on that land. Thereafter, I approach the revenue and other authorities for restraining the LR's of Janku but nothing had happened. Thereafter, I inquired about the litigation as well as how the LR's of Janku have become the owner of the Govt. land from where our path leads to our houses. On 18.03.2019, I came to Shimla and consulted my Advocate at Shimla, who advised us to obtain the certified CMP(M)ST No. 7519 of 2019 in RSA copies of the Lower Courts. On 18.04.2019 I again visited our Advocate at Shimla and handed over the certified copies of the judgments of the Lower Courts. Thereafter, we again came to Shimla on 22.04.2019, on which date we signed the appeal and accompanied applications. Thereafter, the present appeal was filed by our Advocate on 23.04.2019. Even in the year 2016, the Municipal Committee, Mandi, also laid tiles on the path which leads to our houses and at that time no objection was raised by any party. Any delay in filing the appeal is neither intentional nor willful but due to the aforementioned reason as we were not made party by Shri Janku in the Civil Suit or the First Appellate Court.

xxx xxx Mr. H.S. Rana Advocate, for non- applicant-respondent.

There is no reference in the sale deed of my land, however, the seller (Janku) had verbally told me about the path which leads to our houses from Govt. land. I was not aware in the year 2016 that LR's of the Janku had become the owner of the said land. There is no other path, which leads to our houses except the present one. It is incorrect that other path also leads to our house from other directions. It is incorrect that I was well aware about the civil litigation between Janku and the State of Himachal Pradesh since 2007. It is incorrect that I was also aware about the judgments of both the Lower Courts. It is incorrect that I am deposing false and just to harass the non-applicant-respondent I have filed the present appeal.

CMP(M)ST No. 7519 of 2019 in RSA It is incorrect that I do not have any right title or interest on the said land. It is incorrect that there exists no path on the said land.

xxx xxx Ms. Ranjna Patial, Deputy Advocate General, for non-applicant/ respondents No. 2 and 3.

Opportunity given-Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 18th December, 2023 (Pritam) CMP(M)ST No. 7519 of 2019 in RSA AW-2 Statement of Shri Bansilal S/o Late Shri Neki Ram R/o of 228 of 2011 Tarna Road, Muhalla Thanera District Mandi, Himachal Pradesh.

On Oath 18.12.2023 Stated that I remained Councilor (Parshd) of Municipal Committee, Mandi in the year 2016. The parties to the present lis are well known to me since both are resident of my ward. I know the land in dispute between the parties and when in the year 2016 the tiles were laid on the path at Khasra No. 1570, by Municipal Committee then none of the parties raised any objection from laying the tiles on the path. I have seen the said path since my birth and as of date I am 56 years old. I was not aware about any civil litigation between Janku and the State of Himachal Pradesh. I came to know about the ownership of the LRs of Janku in the year 2019, when they started to remove the tiles and raise their plot on the disputed land. The photographs Mark A-1 to A-8 are of the same path which leads to the house of the present applicant and other residents of the area.

xxx xxx Mr. H.S. Rana Advocate, for non-applicant-respondent.

It is correct that one other Kachha path leads to the houses of the present applicant from Tarna Mandir side, which is about two Kms. in length. However, the present path in dispute is hardly 15 meters in length. These days the applicants are coming from the path which is coming from Tarna Mandir side through private CMP(M)ST No. 7519 of 2019 in RSA property of one Shri Inder Singh Diwan. I was not aware about the ownership of the LRs of Janku in the year 2016, when the Municipal Committee led the tile on the said path. I do not inquire before laying the tiles about the ownership of the said land in dispute. It is incorrect that there is no right or title of the applicants in the disputed land. It is incorrect that the above said photographs are not of the same path in dispute. It is incorrect that I am deposing false under the influence of the present applicant since they belong to my ward.

xxx xxx Ms. Ranjna Patial, Deputy Advocate General, for non-applicant/ respondents No. 2 and 3.

Opportunity given-Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 18th December, 2023 (Pritam) CMP(M)ST No. 7519 of 2019 in RSA Statement of Ms. Kusum Chaudhary, Advocate, for the applicants.

Without Oath 18.12.2023 Stated that I give up AW Shri Bhupender being repetitive in nature and close the evidence on behalf of the applicants.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 18th December, 2023 (Pritam) CMP(M)ST No. 7519 of 2019 in RSA Statement of Shri H.S. Rana, Advocate, for the non-applicant-respondent No.1.

Without Oath 18.12.2023 Stated that I do not want to lead any evidence on behalf of respondent No.1.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 18th December, 2023 (Pritam) CMP(M)ST No. 7519 of 2019 in RSA Statement of Ms. Ranjna Patial, Deputy Advocate General for respondents No. 2 and 3.

Without Oath 18.12.2023 Stated that the State do not want to lead any evidence on behalf of respondents No. 2 and 3.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 18th December, 2023 (Pritam) CMP(M)ST No. 7519 of 2019 in RSA 18.12.2023 Present: - Mr. Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the applicants.

Mr. H.S. Rana, Advocate, for respondent No.1.

Ms. Ranjna Patiyal, Deputy Advocate General, for respondents No. 2 and 3. .

Statements of Shri Bhup Singh and Shri Bansi Lal are recorded as AW-1 and Aw2, respectively. Learned counsel for the applicant has closed the evidence on behalf of the applicant vide her separate statement. Learned counsel for the respondents vide their separate statement has stated that they do not want to lead any evidence in defense.

Since the evidence on behalf of the parties is complete, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 18th December, 2023 (Pritam) 19.12.2023 Present: - Ms. Ritu Sharma, Advocate, for the plaintiff.

Ms. Shailja Thakur, Advocate, vice Mr. Neel Kamal Sharma, Advocate, for the defendant.

As per office report, steps for summoning the plaintiff witnesses have not been taken till date. Two opportunities have already been granted to the plaintiff for taking steps for PWs but no steps have been taken till date.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 19th December, 2023 (Pritam) 19.12.2023 Present: - Mr. Suneet Goel, Advocate, for the plaintiff.

Mr. Karan Singh Kanwar, Advocate, for defendants No. 1,2 and 7.

Mr. Anil Kashyap, Advocate, vice counsel for defendant No.3.

Mr. Kuldeep, Advocate, vice counsel for defendant No.4.

Mr. Anshul Gandhi, Advocate, vice counsel for defendants No. 5 and 6.

Learned counsel for the plaintiff has submitted that the plaintiff is not present today as he has gone to Uttrakhand due to his professional engagements. However, he will produce the plaintiff for his examination on 26.12.2023, on self responsibility. Learned counsel for the plaintiff further submits that as per the list of witnesses already submitted the other witnesses are required to be summoned and it is not possible for the plaintiff to bring them for adducing their evidence on self responsibility. Steps for summoning the witnesses have already been taken for other witnesses.

Since as per the direction of the Hon'ble Court, the PWs are required to be examined on day-to-day basis but for summoning of the witnesses some time is required. Learned counsel for the plaintiff has submitted that he will move an appropriate application for doing the needful. Firstly, let the case be listed for recording statement of the plaintiff on 26.12.2023.

Paras Doger Registrar (Judicial) 19th December, 2023 (Pritam) 19.12.2023 Present: - Mr. Vikas Chauhan, Advocate, for the plaintiff.

Mr. Sumit Sood, Advocate, for the defendants.

Shri Sanjay Kumar Plaintiff No.1, is present today. Learned counsel for the defendants seeks adjournment for today since he wants to confront certain documents which are not available with him today and he has to consult his client for that purpose.

Learned counsel for the plaintiff has objected the request of adjournment on behalf of the defendants. Learned counsel for the defendants has submitted that he will compensate and pay the expenses to the tune of Rs.5000/- to plaintiff No.1, who has come to the Court today, on the next date of hearing.

Accordingly, the matter is adjourned for today. Let the case be listed before the Additional Registrar (Judicial) for fixing the next date of hearing. It is made clear that no adjournment shall be given on the next date of hearing.

Paras Doger Registrar (Judicial) 19th December, 2023 (Pritam) CMP (M) No. 1244 of 2022 in RSA No. 18567 of 2022 26.12.2023 Present: - Ms. Urvashi Rajta, Advocate, vice Mr. Tara Singh Chauhan, Advocate, for the applicant.

Mr. Bharat Thakur and Mr. Harsh Kalta, Advocates for the respondents No. 1,2 and 4 to 6.

Name of non-applicant No.3 stands already deleted from the array of parties. Non-applicant No.7 already ex-parte. .

Learned vice counsel for the applicant seeks one more opportunity for producing the applicant witnesses on self responsibility. Two opportunities have already been granted to the applicant for doing the needful but no witness has been produced by the applicant.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.



Paras Doger Registrar (Judicial) 26th November, 2023 (Pritam) CMP(M) No. 891 of 2022 in RSA 46 of 2017 26.11.2023 Present: Shri Manjeet Singh, Advocate vice Shri G.R. Palsra, Advocate, for the applicants. Shri O.P. Chauhan and Ms. Shikha Chauhan, Advocates, for the respondents.

Learned vice counsel for the applicants seeks one more opportunity for producing the AWs. The perusal of the case file shows that nine opportunities have already been granted for taking the steps for AWs or for producing the AWs on self responsibility. As per the learned vice counsel for the applicants no witness is present today.

Since nine opportunities have already been granted for AWs, therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 26th December, 2023 (Pritam) Note: Court Master is requested to apprise the above said order to the Hon'ble Court at the time of hearing of the matter.

26.12.2023 Present: - Mr. Suneet Goel, Advocate, for the plaintiff.

Mr. Karan Singh Kanwar, Advocate, for defendants 1, 2 and 7.

Mr. Aman Sood, Advocate, for defendant No.3.

None for defendant No.4.

Mr. C.N. Singh, Advocate, for defendants No. 5 and 6.

Plaintiff Shri Rohit Sood is present today. Learned counsel for the plaintiff and defendants No. 1, 2 and 7 have jointly submitted that there are chances of amicable settlement and negotiation between the parties are going on. Learned counsel further submits that no fruitful purpose will be served by examining the witnesses at this stage since there are positive signs of amicable settlement between the parties. Learned counsel has submitted that the matter may be again listed before the Hon'ble Court so that the appropriate orders may be passed by the Hon'ble Court keeping in view the ongoing negotiation between the parties.

On the joint request of the learned counsels let the matter be listed before the Hon'ble Court at the earliest for appropriate orders.

Paras Doger Registrar (Judicial) 26th December, 2023 (Pritam) Criminal Appeal No. 179 of 2020 27.12.2023 Present: Ms. Sunaina, Deputy Advocate General, for the appellant.

Ms. Rekha Bansal, Advocate, vice Mr. K.B. Khajuria, Advocate for the respondents.

As per the order of Hon'ble Court dated 20.12.2023, the serving officer was directed to appear before the undersigned today i.e. on 27.12.2023, to get his statement recorded in respect of proclamation proceedings conducted by him. The statement of the serving officer namely HC

Subhash Chander 842, Police Station Urban Estate Rohtak is recorded.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 27th December, 2023 (Pritam) Criminal Appeal No. 179 of 2020 Statement of HC Subhash Chander 842, Police Station Urban Estate, Rohtak, Haryana On Oath 27.12.2023 Stated that on 07.11.2023, the MHC, Police Post Urban Estate Rohtak, Haryana, handed over me proclamation notice for affixing the same at some conspicuous place of Village Bohar, Ward No.9, Nagar Nigam Bohar Rohtak, near Old State Bank, District Rohtak, Haryana, in which Jai Pal used to reside. In compliance to that I affixed the copy of proclamation notice outside house of the Jai Pal in the presence of parents of Jai Pal I also clicked the photographs to that effect which has been annexed with my report. On the same day, i.e. on 07.11.2023, the second copy of proclamation notice was affixed at outside the residence of Councilor Municipal Committee, Bohar, District Rohtak in the presence of Councillor Jai Bhagwan. The proclamation notice was read over to the general public present there at that time while affixing the proclamation notice outside the house of the accused (Jai Pal) as well as Councillor Jai Bhagwan. I also obtained the details regarding immovable property of the accused (Jai Pal) from Municipal Corporation Rohtak and the Bank details of the accused from SBI Bohar. I also obtained the details regarding ownership of any motor vehicle Criminal Appeal No. 179 of 2020 of accused Jai Pal from RAMV Rohtak but as per the above said authorities nothing was found in the ownership of Jai Pal. The copies of the report taken from the above said authorities are annexed with my report. I could not obtain the signature of any of the witnesses while affixing the proclamation as nobody come forward to become the witness. On the same day i.e. 07.11.2023, I also affix the copy of the proclamation notice on the Notice Board of Police Station Urban Estate Rohtak. Thereafter, I submitted my report to MHC Police Station Urban Estate Rohtak, Haryana.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th December, 2023 (Pritam) CMP (M) No. 251 of 2023in RSA No. 196 of 2021 AW-1 Statement of Shri Manohar Lal S/o Shri Piar Chand aged 62 years R/o Tehsil Baijnath, District Kangra, Himachal Pradesh.

On Oath 27.12.2023 Stated that I have studied upto 5th standard. The land in dispute is adjacent to Shiv Mandi Baijnath. I do not remember the Khasra and Khatauni numbers of the land in dispute. Self stated that I have given all the revenue papers pertaining to the land in dispute to my Advocate. The respondent-State had filed eviction proceedings against me. I had filed a Civil Suit in Baijnath Court in the year 2012. The Civil Court Baijnath partly decreed my suit. Thereafter, State filed an appeal before the appellate Court and the appellate Court set aside the judgment of the trial Court. Thereafter, I filed the present appeal before the Hon'ble High Court. The Hon'ble High Court vide order dated 11.11.2021, directed the parties to maintain status quo. My counsel send me the copy of the said order which was produced by me before the Mandir Committee Shiv Temple Baijnath, District Kangra, H.P. But they did not pay any heed to the orders passed by the Hon'ble Court. Thereafter, I again contacted my Advocate at Shimla and my Advocate sent a notice to District Collector and Mandi Committee, Shiv Temple Baijnath to take remedial measures otherwise I will have to take the recourse under Order 39 Rule 2 A CPC. The copy of the Legal Notice is Ex. AW1/A, which has been issued by my counsel on my instruction. Inspite of the CMP (M) No. 251 of 2023in

RSA No. 196 of 2021 Legal Notice the respondents did not stop and use to conduct Langar, Mela by putting tents and by raising temporary structures on the disputed land. I also informed about the illegal activities of the respondents to the police authority by making a written complaint Ex. AW1/B. I also clicked the photographs Mark A to H and Mark J to L of the Langar and Mela being conducted by the respondents on the disputed land after the stay order granted by the Hon'ble High Court. While conducting the Mela on the disputed land use to collect the money from the people. The respondents also charge Rs.2600/- on 15.01.2023 by issuing the slip to me, which is Mark M. I also made a written complaint to the Deputy Commissioner/ Collector Ex. AW1/C but nothing has been done by the authorities. The respondents have intentionally and willfully disobeyed the orders of the Hon'ble Court.

xxx xxx Ms. Sunaina, Deputy Advocate General for the respondents-State.

My year of birth is 1962. The land in dispute was allotted to my forefathers. I do not know the year of allotment of the land in dispute to my forefather. I do not know the Khasra Numbers of the land which was allotted to my forefather. I do not know the Khasra number of the land which was allotted to my forefather was 100/2. I do not know that the Khasra numbers of the land which is in the ownership of the State of Himachal Pradesh is 100/1. I do not know the land adjacent to the Shiv Mandir is CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 having very high market value. I do not know that Khasra number 100/1 was earlier in the name of Gram Panchayat and vide Mutation Number 29 dated 16.02.1977 and vide Mutation Number 108, dated 28.05.1981, the same was entered in the name of State of Himachal Pradesh. It is correct that the eviction proceeding was initiated against me by the State and the decision was passed by the Collector by partly allowing the eviction proceedings. It is incorrect that I have constructed a juice corner on the land in dispute after the stay order passed by the Hon'ble High Court. Self stated that I have a moveable juice corner on a cart. It is incorrect that the above said photographs placed on the record are not of the land in dispute. It is incorrect that the respondents are hosting Mela on their own Khasra number. It is incorrect that the Shiv Mandir Temple Committee has charged me for user charges for installing the shop in the State land during Mela time. Self stated that I use to install my shop in my own land. It is incorrect that the State has not raised any temporary sheds on the land in dispute. It is incorrect that no violation has been done by the respondents. It is incorrect that the respondents have not violated the orders of the Hon'ble Court.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th December, 2023 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 AW-2 Statement of ASI Dharam Chand, aged 56 years presented posted at Police Station Baijnath, District Kangra, Himachal Pradesh.

On Oath 27.12.2023 Stated that I received a complaint Ex. AW1/B from the applicant Manohar Lal. I entered the Rapat No. 41, dated 06.02.2023 on the complaint filed by the applicant. During investigation it was found that the Civil litigation between Manohar Lal and the State of Himachal Pradesh was already pending adjudication in the Court, therefore, I did not conduct any further investigation.

xxx xxx Ms. Sunaina, Deputy Advocate General for the respondents-State.

Opportunity given-nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th December, 2023 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 AW-3 Statement of Shri Devi Chand, aged 49 years presently posted as Sub Divisional Magistrate, Baijnath, District Kangra, Himachal Pradesh On Oath 27.12.2023 Stated that I am posted as Sub Divisional Magistrate Baijnath, District Kangra, H.P., from 03.03.2023. I am aware that the contempt proceedings have been initiated by the applicant in the Hon'ble High Court. As per our record the applicant had issued the legal notice dated Ex. AW1/A. I am Assistant Commissioner, Mandir Committee Shiv Temple Baijnath, District Kangra. I am conversant with the land adjacent to Shiv Mandi Baijnath. I was aware about the status quo order dated 11.11.2021, passed by the Hon'ble High Court. After the passing of the status quo order Shiv Mandi Committee or the State conducted any Mela on the land in dispute. Self stated that inspite of the stay order of the Hon'ble High Court that the applicant himself has constructed a Shed on the land in dispute and is running a juice bar on the said land. There are two Khasra numbers in land in dispute which are 1988/100/1 and 1988/100/2. At present the applicant is in possession of both the Khasra numbers and the above said Khasra numbers are in the ownership of the State Government. The Mark M is a donation slip to the temple trust. I am not aware that Manohar Lal (applicant) has also donated an amount of Rs.2600/- in favour of Shiv Temple Trust. I do not know that the photographs Mark A to H and Mark J to Mark L CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 of the land in dispute. Since the stay order had already been granted by the Hon'ble Court, therefore, the respondents have not done anything on the land in dispute, hence, after the receipt of the legal notice, no action was required to be taken by the respondents.

xxx xxx Ms. Sunaina, Deputy Advocate General for the respondents-State.

There is no violation of the stay order by the respondents after the passing of the status quo order by the Hon'ble High Court.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th December, 2023 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 AW-3 Statement of Shri Atharv Sharma, Advocate for the applicant.

Without Oath 27.12.2023 Stated that I close the evidence on behalf of the applicant since the list of witness has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th December, 2023 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 27.12.2023 Present: Mr. Athrav Sharma, Advocate, vice Ms. Aanandita Sharma, Advocate, for the applicant/appellant. Ms. Sunaina, Deputy Advocate General for the respondents.

Statement of Shri Manohar Lal, ASI Dharam Chand and Shri Devi Chand are recorded as AW1 to AW3, respectively. Learned counsel for the applicant vide his separate statement has closed the evidence on behalf of the applicant.

Learned counsel for the respondents seeks time for RWs. Let the steps, if any, be taken within fifteen days, thereafter the process be issued for the service of RWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 27th December, 2023 (Pritam) 28.12.2023 Present: Mr. Sumit Sharma, Advocate, vice counsel for the appellants.

Mr. Athrav Sharma, Advocate for respondents No. 1 to 3.

Mr. Ashwani Sharma, Advocate, for the respondent No.8.

As per the office report, PF and list of witnesses have been filed by the applicant, however, road and diet money has not been deposited till date due to which the summons could not be issued to the witnesses.

Learned vice counsel for the appellants/applicants seeks some more time for depositing the road and diet money.

Let the road and diet money be deposited within three days thereafter, the process be issued for the service of AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 28th December, 2023 (Pritam) 29.12.2023 Present: Ms. Sunita Sharma, Sr. Advocate with Mr. Dhananjay, Advocate for the plaintiff None for the defendants No.1 and 3.

The perusal of the case file shows that the list of witnesses has not been filed till date by the plaintiff. The learned counsel for the plaintiff has submitted that she has been recently engaged by the plaintiff and will file the list of witnesses within a period of seven days and produce the plaintiffs' witnesses on self responsibility. The learned counsel seeks for more time for PWs.

In view of the above submission for the learned counsel for the plaintiff, let the case be listed before Additional Registrar (Judicial) for the fixing the date of PWs Paras Doger Registrar (Judicial) 29th December, 2023 (Gaurav) 02.01.2024 Present: Mr. Goldy Dhiman, Advocate, for the applicant.

None for the defendants No.1 and 3.

None for the respondent.

As per the office report, steps for summoning the applicant witnesses have not been taken.

Learned counsel for the applicant submits that due to health issue, the applicant is not able to come to Shimla in winter season and prayed that the matter be listed after 15th March, 2024.

The perusal of case file shows that three opportunities have already been granted for taking steps by the applicant but till date steps have not been taken for AWs.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 2nd January, 2024 (Pritam) Submitted that a telephonic message has been received from Hon'ble Mr. Justice Mansoor Ahmed Mir, Former Chief Justice of this High Court to reserve two rooms at Himachal Sadan, Delhi for the stay of his son-in-law/daughter on and w.e.f. 07.01.2024 to 14.01.2024. It has been further directed that in case of non-availability of the rooms at Himachal Sadan Delhi, the reservation/booking be got done at Himachal Bhawan, Delhi for the aforesaid dates.

This is for your kind information and necessary action at your end. You are further requested that after doing the needful information be given to the undersigned so that His Lordship may be informed accordingly.

Paras Doger Registrar (Judicial) 02.01.2024 Ld. Registrar (Protocol) PW-4 Statement of Shri Raju, S/o Shri Vikram Jeet aged 32 years presently posted as Deputy Manager, Punjab National Bank, Lift Road, the Mall, Shimla.

On Oath 02.01.2024 Stated that I am posted as Deputy Manager, Punjab National Bank, Lift Road, Shimla from May 2022. In the year 2019, Shri Prem Banga was Chief Manager of the Punjab National Bank, Lift Road, Shimla and now he has been retired. I have been duly authorized by the Bank to make the statement in the present case. As per our record, the certificate dated 04.07.2013, Ex. PW4/A, has been issued by the Bank. I have been duly authorized vide letter dated 02.01.2024, Ex. PW4/B by the Senior Manager, Punjab National Bank to make the statement in the present case.

xxx xxx Mr. Janesh Gupta, Advocate, for the defendant.

It is correct that generally all the certificate issued by the Bank are on the letterhead of the Bank. I am identify signatures in red circle A on Ex. PW4/A, and the same is of Shri Prem Banga. I have never worked with Shri Prem Banga as he had retired before my joining in the present Branch. It is correct that Ex. PW4/A has not been issued on the original letterhead of the Bank. Self stated that Bank generally issued such type of certificate in printout mode from the computer and affix the stamp on the printout generated document. It is correct that prior to the year 2013 in case some RTGS is made from the account of some person then the same is reflected in his statement of accounts. I do not know on whose request the certificate Ex. PW4/A was issued by the Bank. R.O. & A.C. (Paras Doger) Registrar (Judicial) 2nd January, 2024 (Pritam) PW-5 Statement of Shri Ajay Kumar, S/o Shri Milap Chand, aged 35 years presently posted as Manager, UCO Bank, Shimla Main, Karol House, Shimla, H.P. On Oath 02.01.2024 Stated that I am posted as Manager, UCO Bank, Shimla Main from June 2022. I have been duly authorized vide letter dated 01.01.2024, Ex. PW5/A by the Chief Manager UCO Bank to make the statement in the present case. As per our record, certificate dated 03.07.2013 Ex. PW5/B, (objected to on the mode of proof) has been issued from our Bank.

xxx xxx Mr. Janesh Gupta, Advocate, for the defendant.

It is correct that I cannot identify signature in red circle A on Ex. PW5/B. However, there is seal of the Bank on the said document. It is correct that generally the certificate are being issued on the letterhead of the Bank. I cannot say the letterhead was prevalent in the year 2013 on which the certificate Ex. PW5/B has been issued. It is correct that prior to the year 2013 in case some RTGS is made from the account of some person then the same is reflected in his statement of accounts. I do not know on whose request the certificate Ex. PW5/B was issued by the Bank.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 2nd January, 2024 (Pritam) PW-5 Statement of Shri Dev Raj, Advocate, High Court of Himachal Pradesh.

Without Oath 02.01.2024 Stated that the plaintiff has examined Shri Prem Banga, Chief Manager, Punjab National Bank as PW3 and on that date he was deferred since he had not brought the original record. Now, the said witness has been retired and in lieu of that today Shri Raju, Deputy Bank Manager, has been examined as PW4, therefore, I give up PW3 being unnecessary and repetitive in nature.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 2nd January, 2024 (Pritam) 02.01.2024 Present: Mr. Ashwani Pathak, Senior Advocate with Mr. Dev Raj, Advocate, for the plaintiff.

Mr. Janesh Gupta, Advocate, for the defendant.

Statement of Shri Raju, Deputy Manager, Punjab National Bank, Shimla and Shri Ajay Kumar, Manager, UCO Bank, Shimla Main, are recorded as PW4 and PW5, respectively.

Shri Ajay Kumar, Manager UCO Bank has filed reply to the notice under Order 16 Rule 12 CPC. The explanation given by him seems to be plausible, hence the notice issued under Order 16 Rule 12 CPC to Shri Ajay Kumar is dropped.

Let the case be listed before the Additional Registrar (Judicial) for fixing the next date of PWs and witness mentioned at Serial Number 3, 6 and 7 in the list of witnesses be summoned for the said date.

Paras Doger Registrar (Judicial) 2nd January, 2024 (Pritam) 03.01.2024 Present: Mr. Sunil Kumar, Advocate, vice Mr. N.K. Bhalla, Advocate, for the plaintiff.

Mr. Parikshit Sharma, Advocate, for the defendant.

Learned vice counsel for the plaintiff submits that no witness is present today. However, learned counsel for the defendant has submitted that he has filed an application for setting aside the ex-parte order of the defendant today itself.

Since the application for setting aside the ex-parte order has been filed by the defendant, therefore, it would be appropriate that the application be decided at the first instance before the ex-parte evidence is recorded.

Accordingly, let the said application be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd January, 2024 (Pritam) 03.01.2024 Present: Mr. Sunil Kumar, Advocate, vice Mr. N.K. Bhalla, Advocate, for the plaintiff.

Mr. Parikshit Sharma, Advocate, for the defendant.

Learned vice counsel for the plaintiff submits that no witness is present today. However, learned counsel for the defendant has submitted that he has filed an application for setting aside the ex-parte order of the defendant today itself.

Since the application for setting aside the ex-parte order has been filed by the defendant, therefore, it would be appropriate that the application be decided first instance before the ex-parte evidence is recorded.

Accordingly, let the said application be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd January, 2024 (Pritam) 04.01.2024 Present: Mr. Pranav Kumar Kaushal, Advocate, for the applicants.

None for the respondent.

As per office report, the applicants witnesses are to be produced on self responsibility, however, learned counsel for the applicants has submitted that he has informed his client through whatsapp message and telephonically but he has not responded to the message or to the telephonic call. Learned counsel further submits that his client is not in contact with him as he is not responding to their calls due to which no witness is present today.

Four opportunities for AWs have already been granted. Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 4th January, 2024 (Pritam) Submitted that in continuation of earlier intimation dated 02.01.2024, a telephonic message has been received from Hon'ble Mr. Justice Mansoor Ahmed Mir, Former Chief Justice of this High Court to reserve two rooms at Himachal Sadan, Delhi for the stay of his son-in-law/daughter on and w.e.f. 06.01.2024 to 12.01.2024 instead of 07.01.2024 to 14.01.2024. It has been further directed that in case of non-availability of the rooms at Himachal Sadan Delhi, the reservation/booking be got done at Himachal Bhawan, Delhi for the aforesaid dates (i.e. 06.01.2024 to 12.01.2024).



This is for your kind information and necessary action at your end. You are further requested that after doing the needful information be given to the undersigned so that His Lordship may be informed accordingly.

Paras Doger Registrar (Judicial) 04.01.2024 Ld. Registrar (Protocol) CMP No. 13640 of 2021 in RSA No. 481 of 2016 RW-1 Statement of Shri Lekh Raj, S/o Late Shri Ranjha Ram, aged 66 years Village and Post Office Ludret, Tehsil Dehra, District Kangra, Himachal Pradesh.

On Oath 04.01.2024 Stated that I have come to the Court today because I have received summon to appear as a witness. I know the appellant Subhash Chand as we reside in same village. Subhash Chand has made construction of toilet. Subhash Chand is constructing the toilet in his own land bearing Khasra No.42. The disputed land is a different land and Subhash Chand is constructing toilet on his own land.

xxx xxx Mr. Mukul Sood, Advocate, for the respondents-applicants.

Subhash Chand is my nephew. There is no dispute of mine with respondent (Suram Chand alia Suram Singh). It is correct that I stood surety to appellant Subhash Chand in Police Challan 126-II/2011 in Case No. 706/2013, which was decided by JMFC Jawali, District Kangra on 13.10.2011. It is correct that the said criminal case was initiated against Shri Subhash Chand at the instance of respondent No.1 (Suram Chand). I have seen the land in dispute. I am not aware about the Khasra numbers of the land in dispute. I have seen Khasra Number 42 in the revenue record on which Subhash Chand had raised toilet. I am not aware that Subhash Chand or any other party had got demarcated the land before raising the toilet on the said land by Subhash Chand. I am aware that the Court has restrained both the parties to the lis by granting the stay order. I am not aware that the respondents had made a complaint in the Panchayat when Subhash Chand started to raise construction. It is correct that the photographs Mark F1 to F6 and G1 to G3, are of the disputed land where the construction was being raised by Subhash Chand. I am not aware that Shri Suram Chand had filed a complaint before the police and revenue authorities against Subhash Chand. I am not aware on the basis of the said complaint the police and the revenue authorities visited the spot for carrying out investigation. I am not aware that the police and the revenue officers visited the spot twice. I am not aware that after filing the contempt proceedings in the High Court, the revenue authority visited the spot and demarcated the land in dispute. It is incorrect that at the time of demarcation I was present on the spot. It is incorrect that I have strained relation with Suram Chand since I stood surety to Subhash Chand. It is correct that I have come to Shimla today with Subhash Chand. It is incorrect that I am deposing false today because I am related to Subhash Chand. It is incorrect that Subhash Chand has disobeyed the stay order passed by the Hon'ble High Court.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th January, 2024 (Pritam) CMP No. 13640 of 2021 in RSA No. 481 of 2016 RW-2 Statement of Shri Hans Raj, S/o Shri Dharam Chand, aged 49 years Village and Post Office Ludret, Tehsil Dehra, District Kangra, Himachal Pradesh.

On Oath 04.01.2024 Stated that I have come to the Court today because I have received summon to appear as a witness. I know the parties to the lis since they belong to our village. I am aware about the land dispute between the parties. Subhash Chand had raised the construction at Khasra No. 42, which is not a land of dispute. My land is adjacent to the land in dispute. Subhash Chand has not violated the order of the Hon'ble Court as he has raised the construction in his own land.

xxx xxx Mr. Mukul Sood, Advocate, for the respondents-applicants.

Subhash Chand is my cousin brother. He is son of my uncle (chacha). The name of the grandfather of my and Subhash Chand is Taju Ram. I have seen the land in dispute. Self stated that the same is situated besides my land. Subhash Chand had constructed toilet and bathroom and also constructed septic tank. I have seen the construction raised by Subhash Chand. Photographs Mark F1 to F5 pertains to the land where the construction was being raised by Subhash Chand. I am not able to identify the land which has been shown in the photographs Mark G1 to G3. I am aware about the Khasra No. 42 as it is adjacent to my land and there are pakka points fixed by the revenue authority. The Khasra Numbers pertaining to the land in dispute are 43 and 44. I am aware about the Khasra Numbers since my land is also situated besides these Khasra Numbers. I have not seen the case file or the documents pertaining to the case. It is correct that Suram Singh has filed a Civil Suit against my father and after the death of my father I was impleaded as one of the defendant in that suit. It is correct that Ex. A-1 is the certified copy of the above said Civil Suit No. 86/13/2006. It is correct that Suram Chand had filed an FIR No. 368 of 2010 against us. Self stated that in that FIR we were acquitted by the Hon'ble Court. Shri Madan Lal is my uncle (Chacha). I do not know when Subhash Chand raised the construction then Suram Chand and others raised objection and made a complaint to Panchayat and Police authorities. It is incorrect that during the pendency of these proceedings the demarcation was being carried out by the revenue authority. It is incorrect that I am deposing false today since I have strained relation with Suram Chand. It is incorrect that Subhash Chand has disobeyed the stay order passed by the Hon'ble High Court.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th January, 2024 (Pritam) CMP No. 13640 of 2021 in RSA No. 481 of 2016 04.01.2024 Present: Mr. Rahul Thakur, Advocate, vice Mr. Ramakant Sharma, Advocate, for the non-applicant-appellant. Mr. Mukul Sood, Advocate, for the respondent-applicant.

Statement of Shri Lekh Raj and Shri Hans Raj are recorded as RW1 and RW2, respectively. Learned counsel for the respondent has submitted that he will produce Subhash Chand on self responsibility on the next date of hearing.

Let PW at Serial No. 4 be summoned for the said date.

Let the case be listed before the Additional Registrar (Judicial) for fixing the next date for RWs.

Paras Doger Registrar (Judicial) 4th January, 2024 (Pritam) 05.01.2024 Present: Mr. Nitin Thakur, Advocate vice Mr. Yash Wardhan Chauhan, Advocate, for the plaintiff/non- counter claimant.

Kr. Bhupinder Singh, Advocate for the defendant/counter claimant.

As per the office report, steps for summoning the defendant witness mentioned at Sr. No. 3 in the list of witness has not been taken. Learned counsel for the defendant has submitted that he will take the steps within three days.

On taking steps within three days, let the summons be issued for the service of witness mentioned at Sr. No.3, for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 5th January, 2024 (Pritam) I have been directed by Hon'ble Ms. Justice Jyotsna Rewal Dua, J., that there is some connectivity issue of Airtel in her Chambers and she is not able to make or receive whatsapp as well as ordinary calls.

You are, therefore, requested to looking into the matter to resolve the issue, raised by the Hon'ble Judge, at earliest, so that no inconvenience is cause to the Hon'ble Judge, please.

Paras Doger Registrar (Judicial) 08.01.2024 Ld. Registrar (JB) 08.01.2024 Present: Mr. Sanket Kankhyan, Advocate, vice Mr. Dinesh Thakur, Advocate, for the plaintiff.

Ms. Urvashi Rajta, Advocate, vice Mr. Tara Singh Chauhan, Advocate, for the defendants No. 1 and Learned vice counsel for the plaintiff seeks one more opportunity to produce the plaintiff evidence on self responsibility.

The perusal of case file shows that more than four opportunities have already been granted to the plaintiff for producing his evidenced but till date no witness has been produced for examination of the PWs.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 8th January, 2024 (Pritam) 09.01.2024 Present: Mr. Vinod Gupta, Advocate, for the plaintiffs.

and 2.

Mr. Athrav Sharma, Advocate, for defendants No. 3 to 6.

Respondent No.7 already ex-parte.

Learned counsel for the plaintiff has submitted that the plaintiffs are not present today for adducing their evidence. He seeks adjournment for today.

Let the case be listed for plaintiffs evidence and the plaintiffs be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 9th January, 2024 (Pritam) 09.01.2024 Present: Mr. Digvijay Singh Thakur, Advocate, for the applicant.

Learned counsel for the applicant has filed application for giving the undertaking as well as surety in compliance to the order dated 24.11.2023, passed by the Hon'ble High Court.

Shri Shivender Thakur, had filed an application for release of the amount of compensation for his minor children, which was allowed by the Hon'ble Court subject to furnishing of his undertaking and surety bond that the amount, so released, shall be used for the studies of his children. However, The undertakings have been filed by Shri Shivender Thakur in the form of affidavit averring therein that he will use the amount for the studies of his children, namely Arya Veer Singh and Saisha Thakur. The undertaking so given by the applicant is duly supported by the surety bond in the form of affidavit furnished by Shri Sunil Kumar brother of the deponent, which is duly supported by the Jamabandi for the year 2017-2018, issued on 05.01.2024. Shri Shivender Thakur, is duly identified by Shri Digvijay Singh Thakur, Advocate.

Accordingly, the undertaking as well as the surety bond furnished by the applicant is duly attested and accepted by me. Accordingly, the applications are allowed. All the papers be tagged with the file and let the needful be done.

Paras Doger Registrar (Judicial) 9th January, 2024 (Pritam) CMP No. 409 of 2023 in RSA 10.01.2024 Present: Mr. Dalip Chand Advocate, vice Mr. V.D. Khidtta, Advocate for the applicant.

Ms. Sunaina, Deputy Advocate General for respondents No. 1 to 3.

As per office report, steps i.e. list of witnesses, PF, road and diet money have not been filed by the applicant as of date.

Learned vice counsel for the applicant submits that he will take the steps within one week.

Accordingly, on taking the steps within one week, let the process be issued for the service of AWs returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 10th January, 2024 (Pritam) CMP (M) No. 478 of 2023 in RSA 10.01.2024 Present: None for the applicant.

Mr. Prashant Chauhan, Advocate for the respondent.

As per office report, steps for summoning the AWs i.e. list of witnesses, PF, road and diet money have not been filed by the applicant as of date. Two opportunities have already been granted to the applicant for doing the needful.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 10th January, 2024 (Pritam) AW-2 Statement of Smt. Bimla Verma W/o Shri Kanhiya Lal Verma, aged 75 years Village Banwai, Post Office Chalog, Tehsil and District Shimla, Himachal Pradesh.

On Oath 11.01.2024 Stated that the age of my husband Shri Kanhiya Lal Verma is about 86 years. My husband is bed ridden as of date . My husband has executed Special Power of Attorney Ex. AW2/A in my favour for filing signing the pleadings as well as for adducing the evidence on his behalf. Civil litigation was going on between my husband and Nanak Chand which ultimately came to the High Court and Shri Nanak Chand has filed a Regular Second Appeal No. 703 of 2012 in the High Court. In that RSA compromise decree was passed by the Hon'ble High Court on 16.10.2016, which is Ex. AW2/B. The said compromise decree was passed on the basis of terms of the settlement Ex. AW2/C arrived at between the parties. After the compromise decree we left 3.5 feet path in favour of Nanak Chand for their use and raised fencing on the other part of the land. But Nanak Chand alongwith his wife, son and daughter-in-law uprooted the fencing raised by us and threw it in our street (Gali). They also used filthy language to us and the said incidence had happened after 15-16 days of the passing of the order by the Hon'ble High Court. They also use to scatter garbage in the suit land and had gathered heap of stones on the said land. The respondent has also raised a room on the path which was left by us for their use. The respondents do not allow us to use the disputed land. The respondents are not adhering to the terms of settlement as well as the orders of the Court. Thereafter, my husband served a notice Ex. AW2/D (objected to on the mode of proof) to Shri Nanak Chand through his Advocate. But inspite of the notice the respondents did not stop the interference in the disputed land. Since the respondents are not adhering to the order of the Hon'ble Court, therefore, my husband constrained to file this Contempt Petition in the Hon'ble Court. I have also clicked the photographs Mark A-1 to A-7 from my mobile. The respondents are willfully and intentionally disobeying the order of the Hon'ble Court to harass us.

xxx xxx Ms. Seema K. Guleria, Advocate, for the respondents.

The Khasra No. of the disputed land is 366. My husband had purchased the land from Bishi Ram. I am not aware about the other co-owners of the said land. My husband had purchased the said land in the year 1971 and since then we are owner of the land in dispute. It is incorrect that Shri Gauri Shankar is also one of the co- owner of the suit land. My husband has not file any other case pertaining to the suit land. I am not aware that my husband has filed a Civil Suit No. 10 of 2023, pertaining to the suit land involved in this case, which is pending adjudication before Court No.VIII, Shimla. I have appeared as a witness in the other case, which is pending in Court No. VI, Shimla, on behalf of my husband. Self stated that the said suit pertains to Khasra No. 302. It is incorrect that in Civil Suit No. 10 of 2023, we have claimed possession of the path on the land at Khasra No.

366. It is correct that on the orders of the Hon'ble Court the demarcation of Khasra No. 366 was conducted on 10.01.2022. It is incorrect that the path on Khasra No. 366 was delivered to Nanak Chand after the demarcation ordered by the Court. It is incorrect that my husband is himself contemnor as the said path was never handed over to the respondents. It is incorrect that the respondents never interfered on the disputed land or path. Self stated that the respondents are interfering in the said land. It is incorrect that photographs Mark A-1 to A-7 are not of the land in

dispute. I have clicked the photographs two months ago when the respondents started to raise some construction. It is correct that I have not placed the copy of the newspaper in the contempt petition. Self stated that the newspaper is apparent on the photograph. I cannot give the details of the cases which are filed by my husband. Shri Nanak Chand belongs to our village. Shri Nanak Chand is son of maternal aunt (Massi) of my father. It is incorrect that my husband has filed many cases against their relatives. It is incorrect that the present contempt petition filed by my husband is abuse of process of law just to harass the respondents.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th January, 2024 (Pritam) Statement of Smt. Bimla Verma W/o Shri Kanhiya Lal Verma, aged 75 years Village Banwai, Post Office Challog, Tehsil and District Shimla, Himachal Pradesh.

On Oath 11.01.2024 Stated that I do not want to examine any other witness and close the evidence on behalf of the applicant.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th January, 2024 (Pritam) 11.01.2024 Present: Mr. G.D. Verma, Senior Advocate with Mr. Sumit Sharma, Advocate, for the petitioner.

Ms. Seema K. Guleria, Advocate, for the respondents.

Statement of Smt. Bimla Verma, is recorded as AW2, vide her separate statement she close the evidence on behalf of the applicant/petitioner.

Learned counsel for the respondents seeks time for taking the steps for RWs.

Let the steps be taken within fifteen days. Thereafter, the process be issued for the service of RWs returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 11th January, 2024 (Pritam) Submitted that the Carpet provided in the Chambers of Learned Registrar (Judicial) is too dirty and the same is required to be dry-cleaned at the earliest.

(Pritam Singh) Court Secretary 12.01.2023 Assistant Registrar (GAD) DW-4 Statement of Shri Mandeep Sandhu, S/o Shri S.S. Sandhu, aged 65 years, R/o R-5, Greater Kailash Part-I, New Delhi-48.

On Oath 27.02.2024 Stated that defendant No.1, i.e. Bhangoo & Company is a partnership firm comprises two partners, namely Futuristic Solutions Limited & Futuristic Remedies Limited and I am a Director in both these Companies. Bhangoo & Company was formed in October 2004, and they successfully bid for the auction of suit property. They were successful bidders held in the auction on 30.10.2004. Subsequently on 17th of January, 2005, the recovery officer DRT-II, Chandigarh, issued letter of sale/sale certificate in favour of defendant No.1. Thereafter, someone from the public appealed against the said auction and vide order dated 30th March, 2005, the Presiding Officer of DRT Chandigarh annulled the auction in favour of defendant No.1. Thereafter, nine existing

partners of Defendant No.1-Firm contacted me and against monies received by them agreed to transfer the firm i.e. Defendant No.1 to the above said two companies i.e. Defendant Nos. 6 and 7. For this purpose on 3rd May, 2005 an admission-cum-retirement deed Ex. DW4/A-1, was executed and in this four of the existing partners retired and defendants No. 6 and 7 were included as partners. Thereafter, on 4th May, 2005, another admission- cum-retirement deed Mark-1, now Ex. DW4/A-2, was executed vide which remaining other five partners also retired, thus, leaving defendant No.6 and 7, the sole partners of Bhangoo & Company. Thereafter, Defendant No.1, approached the DRAT New Delhi against the order dated 30.03.2005, passed by the DRT, Chandigarh challenging cancellation of the auction/sale and the DRAT on 29th November, 2005 set aside the order dated 30.03.2005 and upheld the auction/sale in favour of defendant No.1 and directed to handover the possession of the suit property to defendant No.1. Thereafter, defendant No.1, approached the DIC Baddi, District Solan for the mutation of the said property in favour of defendant No.1. Defendant No.1 was informed by DIC Baddi that since the sale letter dated 17.01.2005, contained the names of nine partners of defendant No.1, therefore, the mutation in favour of defendant No.1 with now just two partners i.e. defendant Nos. 6 and 7 will entail first mutating the property in favour of those nine partners and then transferring it to the two partners, which each time entail extra cost. This process of payment of double fee appeared bizzared to defendant No.1 and they continued to liase with the department to transfer the suit property in favour of defendant No.1 having two partners. Some time in February 2012, Mr. Gaurav Rajput the authorized representative of the Plaintiff-Company alongwith a broker Mr. Manu Sharma contacted me and made an offer to purchase the suit property. Mr. Gaurav represented that he was well up with the department as well as the political establishment of the State and that he would resolve the issue of mutation or anything else at his own cost. The deal made was for Rs.1.5 Crores in addition to the aforesaid "on as is where is basis". The agreement Ex. PW3/B in this regard was executed on 11.04.2012. For this purpose Mr. Gaurav Rajput had paid me Rs.50,000/- cash earlier as a token money and Rs. 18,00,000/- (Rs. eighteen lacs) by way of a Cheque favouring defendant No.7, dated 11.04.2012. The said cheque bounced twice for want of sufficient funds. I have brought the original returned cheque alongwith return memo of the Bank. Mr. Gaurav Rajput on my pursuance subsequently transferred Rs.18,00,000/- (Rs. Eighteen lacs only) by way of RTGS on 19.04.2012 from a company called Countryside Agro Produce Pvt. Ltd. Mr. Gaurav Rajput also transferred Rs.15,06802/- on 11.04.2012 and Rs. 15,06,803/- on 12.04.2012 (total amounting to Rs. 30,13,605/-) vide two RTGSs transaction in our company Diana Eurochem Pvt. Ltd., and he paid a sum of Rs. 1,36,395/- in cash to me. The total amount paid therefore, comes to Rs.50,00,000/- (Rs. Fifty lacs). The last date of balance payment and execution of sale deed after him having completed the process of mutation was fixed as 10.05.2012. Mr. Gaurav Rajput, after this got into his act of attempting to sought out the departmental issues with regard to the suit property. However, despite his perceived connections did not get the clearance regarding sanction of mutation from the concerned department. He too was confronted with the payments of large amounts, which probably was not part of his plan. By now, he had become reasonably friendly with me and orally sought more time to execute the documents and also requested if I could check with my Lawyers or anybody else for the departmental clearances. He continued to be in touch regarding any development on this count, but I was unable to get hold of any advice for him. On 7th February, 2013, Mr. Gaurav Rajput visited my office at Delhi and discussed this issue thread bare and finally decided to call off the deal. It was then agreed that defendant No.1, will refund Rs. 32,00,000/- and Rs. 18,00,000/- will be

forfeited in favour of defendant No.1. An amount of Rs.32,00,000/- was paid to Mr. Gaurav Rajput in cash vide two receipts amounting to Rs.30,13,605/- and Rs.1,36,395/-. The copies of receipt amounting to Rs.1,36,395/- Mark 'B' is now Ex. DW-4/B. I have brought both the original receipts today in the Court. I had agreed to this settlement as I did not want any problems later and the fact that Mr. Gaurav Rajput was agreeable on forfeiture of Rs.18,00,000/-. After this transaction of refund took place, Mr. Gaurav Rajput changed his stance and started bringing hoodlums to our office in New Delhi. A complaint Ex. DW-4/C, in this regard was also filed with the local police at Delhi by my staff as on that day I was not present in the office (original seen and returned). (Objected to on the mode of proof). In the meanwhile, seeing over a period of time Mr. Gaurav Rajput was not having funds/influence as claimed by him, the defendant No.1, moved an application for amendment of the sale certificate dated 17.01.2005, before DRT-I, Chandigarh, incorporating defendants No. 6 and 7 as partners in defendant No.1 in place of above stated old nine partners. The DRT-I, Chandigarh, vide order dated 17.12.2012, Ex.DW-1/A, passed the order and deleted the old partners and issued amended sale certificate Ex. PW-2/C. In the meanwhile, Plaintiff- Company filed the Civil Suit against the defendants for specific performance of the agreement dated 11.04.2012. During the pendency of the present suit, I came to know that Mr. Gaurav Rajput has formed so many companies the names of which are already on record, so much so, that he has also got Director Identification Number (DIN) in two different names, namely Gaurav Rajput and Gaurav Arora to give effect his illegal designs. Even otherwise, the drafts amounting to Rs. 45,60,019/- (Rs. Forty five lacs sixty thousand and nineteen only) duly issued by Punjab & Sindh Bank, New Delhi in favour of Moral Holding Ltd. Mark 'C', was not issued in favour of defendant No.1 and even if this is accounted for did not complete the balance payable amount of Rs. One crore. Another draft of Rs.18,00,000/- Mark 'D', as claimed was never delivered to the defendants No. 1, 6 and 7. The plaintiff has not fulfilled the terms of the agreement and was not ready and willing to perform his part of the agreement as the plaintiff was not having sufficient means to pay the sale consideration and other fees and expenses which were to be borne by the plaintiff. The defendants No. 1, 6 and 7 were always ready and willing to perform their part of the contract/agreement. The plaintiff has filed the present case against defendant No.1, 6 and 7 without any basis and in order to harass the defendants.

xxx xxx xxx Mr. J.S. Bhogal, Senior Advocate with Ms. Swati Verma, Advocate, for the Plaintiff.

I informed the plaintiff about the factum of defendants No. 6 and 7 being the only partners of defendant No.1 during the course of negotiation regarding the sale of the suit property. Self stated that the plaintiff was made well aware of this fact before execution of the agreement. Defendants No. 6 and 7 passed resolutions dated 15.11.2013, authorizing me to appear and act on their behalf. Self stated that I have brought both the certified true copies of these resolutions today. It is wrong to suggest that the companies incorporated under Companies Act cannot be Partners in a Partnership Firm. Initially I was not given any written information to the DIC Baddi, regarding none sanctioning of the mutation in favour of defendant No.1 through defendants No. 6 and 7 being its partners on the ground that there were originally nine partners in defendant No.1-Firm and I was informed orally by the department. However, subsequently the DIC Baddi has raised an amount of more than Rs. Two crores to be paid for getting the mutation approved. I have placed on record the said demand by the DIC, which is Ex. DW-3/A. Defendant No.1 has not got effect the mutation till date.



Self stated that the matter regarding sanction of mutation was not perused by defendant No.1 due to the pendency of the present suit. My mobile No. is 98100-19310. It is correct to suggest that on 7th February, 2013, I sent a message to Mr. Gaurav Rajput that "I will not be there. I'll call you in a while". Self stated that I was to go somewhere which got cancelled and I was available in the office when Mr. Gaurav Rajput finally arrived on that day. It is incorrect that no meeting was held with Mr. Gaurav Rajput with me as I was not available in the office on that day i.e. 07.02.2013. It is incorrect that Mr. Gaurav Rajput never agreed for any forfeiture of the amount. Defendants No. 1, 6 and 7 use to maintain Books of Account. I do not remember whether there is any entry regarding payment of cash amount of Rs.32,00,000/- in favour of Mr. Gaurav Rajput as on 07.02.2013 in Account Books maintained by defendants No. 1,6 and 7. Self stated that I have to verify from the record since the transaction pertains to the year 2013. I did not apprise my counsel regarding cash refund of Rs.32,00,000/- which was made on 07.02.2013 at the time of preparation of written statement. Self stated that I informed this fact to my counsel at the time of cross examination of Mr. Gaurav Rajput. I am aware that as of date there is a limit regarding cash transaction under Income Tax Act. Self stated that however, in the year 2013 I am not sure whether the said embargo was there or not. It is wrong to suggest that I had never made any cash payment of Rs.32,00,000/- to Mr. Gaurav Rajput. It is incorrect to suggest that the defendants backed out from the deal as the defendants have to pay more than Rs. Two crores for the sanctioning of mutation. Self stated that this payment of Rs. Two crores was to be made by the plaintiff in terms of the agreement. It is correct that expect agreement 11.04.2012 Ex. PW-3/B, there is no other agreement between the parties. It is incorrect that Mr. Gaurav Rajput or any other person on behalf of the plaintiff agreed to get the mutation sanctioned in favour of defendant No.1. It is incorrect that Mr. Gaurav Rajput or any other person on behalf of the plaintiff agreed to pay any amount for the sanction of mutation in favour of defendant No.1. I know all the Directors of Moral Holdings Limited as I am also one the Director of the said Company. It is incorrect to suggest that the plaintiff got prepared demand draft Mark 'C', in favour of Moral Holdings Limited at my instance. I am not aware about the outcome of the complaint Ex. DW-4/C. I came to know that Mr. Gaurav Rajput and Gaurav Arora are the same person from the record of ROC pertaining to certain companies wherein he and his wife are Directors. I did not make any complaint to the ROC in this regard. It is incorrect that I am deposing false.

xxx xxx xxx Mr. Piyush Dhanotia, Advocate vice Mr. Anshul Bansal, Advocate for defendants No. 2,3 and 8.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th February, 2024 (Pritam) 27.02.2024 Present: Mr. J.S. Bhogal, Senior Advocate with Ms. Swati Verma, Advocate, for the Plaintiff.

Mr. Vikas Jain, Advocate with Ms. Pragati, Advocate for defendants No. 1,6 and 7.

Mr. Piyush Dhanotia, Advocate, vice Mr. Anshul Bansal, Advocate, for defendants No. 2,3 and 8.

Defendants No. 4 and 5 already ex-parte.

Statement of Shri Mandeep Sandhu, is recorded as DW-4. The list of witness of defendants No. 1,6 and 7 is exhausted. Learned vice counsel for defendants No. 2,3 and 8 seeks time for DWs.

Learned the steps, if any, be taken within two weeks, thereafter the process be issued for the service of DWs on behalf of defendants No. 2,3 and 8.

Paras Doger Registrar (Judicial) 27th February, 2024 (Pritam) 28.02.2024 Present: Mr. J.S. Bhogal, Senior Advocate with Ms. Swati Verma, Advocate, for the petitioner. Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal & Mr. Vedhant Ranta, Advocates, for the respondent/non-objector.

As per the office report, summons issued to PW-1, has been received back with effective service. However, an email has been received from Dr. Debasish Basu, that as per the policy of the PGIMER, the record pertaining to the Indoor Patient are retained only for 10 years and thereafter, the same is destroyed as per the policy. The circular pertaining to that policy of destruction as well as list of the destroyed files has also been annexed with the email, wherein at Sl. No. 147 in the list of destroyed files the record pertaining to the patient (Surinder Swaroop-39722) has been destroyed. The email sent by Dr. Debasish Basu alongwith the annexed documents is taken on record.

However, learned senior counsel for the petitioner submits that since the concerned official/officer has been cited as a witness he or she is required to depose this fact after putting personal appearance before the Court.

Accordingly, the email sent by the concerned doctor cannot be taken as evidence on his/her behalf. Therefore, let fresh summons be again issued to this witness for deposing before the Court after putting his/her appearance. Let the fresh summons be issued to the said witness for 12.03.2024 on taking steps within two days as the evidence in the present matter has been directed by the Hon'ble Court to be completed in the month of March, 2024.

Paras Doger Registrar (Judicial) 28 February, 2024 th (Pritam) 01.03.2024 Present: Ms. Sunita Sharma, Senior Advocate with Mr. Vivek Thakur, Advocate, for the plaintiff. Mr. Sanjeev Bhushan, Advocate with Mr. Sohail Khan, Advocate, for the defendant.

As per the office report, steps for summoning the PWs have not been taken. Learned senior counsel for the plaintiff seeks time for doing the needful.

Let the steps be taken within fifteen days. Thereafter process be issued for the service of PWs, returnable for 06.05.2024.

Paras Doger Registrar (Judicial) 1st March, 2024 (Pritam) CMP(M) 891 of 2022 in RS No. 46 of 2017 AW-1 Statement of Shri Padam Nabh S/o Shri Gopi Chand, aged about 48 years, R/o Village Sahaut, P.O. Khaneol, Tehsil Karsog, District Mandi, H.P. On Oath 01.03.2024 Stated that in RSA No. 46 of 2017, which has been filed by my father, the Hon'ble Court has directed to maintain status quo qua nature and possession of the suit land vide order dated 15.03.2017 and the said order was

made absolute by the Hon'ble Court on 21.06.2017, in the presence of the learned counsel for the parties. The disputed Khasra No. is 1658, measuring 0-11-10 Bighas. In November, 2021, the respondent Bhupender Kumar raised the construction of safety tank, over which two pillars were raised by him inspite of the stay order of the Hon'ble Court. I requested the respondent Bhupender Kumar not to raise the construction as there is stay order from the High Court but he did not pay any heed to my request and raise the construction. All the respondents are residing together being brothers. The copy of the Jamabandi for the year 2017-2018 of the disputed land is Ex. AW1/A. I have also clicked the photographs of the construction which was being raised by Bhupender Kumar on the disputed land from my mobile, which is Mark 'A', from which it is apparent that the construction has been raised on the disputed land. The respondents have intentionally and willfully disobeyed the orders of the Hon'ble Court.

CMP(M) 891 of 2022 in RS No. 46 of 2017 xxx xxx xxx Mr. O.P. Chauhan, Advocate, for the respondents I have filed only one contempt petition in the present RSA. It is correct that the present RSA No. 46 of 2017, has been filed by my father. It is correct that at that time I did not accompany him. It is correct that I am not aware about the contents and grounds of the appeal filed by my father. It is correct that on 15.03.2017 and 21.06.2017 neither me nor my father was present in the Hon'ble High Court. Self stated that we have been informed about the stay order by our counsel. It is correct that matter pertaining to the suit property in the present case is regarding Will executed by Late Purshotam in favour of respondents which was challenged by my father. It is incorrect that Purshotam never remained owner of Khasra No. 1658 nor he executed a Will regarding this Khasra Number. It is correct that in Jamabandi for the year 2017- 2018 there was no mention of the ownership of Purshotam. Self stated that in the old Jamabandi there is a mention about the ownership of Purshotam qua this Khasra Number. It is correct that Jamabandi for the year 2017-2018 Ex.AW1/A, is the revenue document pertaining to the joint property of the appellants and respondents. It is incorrect that there is no relation with the property of Purshotam in the Jamabandi Ex. AW1/A, regarding the Will executed by Purshotam in favour of respondents. I came to know about the Khasra Number from Patwari on which the construction was raised by the CMP(M) 891 of 2022 in RS No. 46 of 2017 respondents, when I visited Patwarkhana. Patwari never visited the spot. I have not annexed any document prepared by the revenue agency regarding the construction raised on Khasra No. 1658, mentioned in Ex. AW1/A. It is incorrect that Khasra No. 1658 never remained the part of suit property of the present litigation. It is incorrect that I am deposing false. It is incorrect that I have filed the present contempt petition without any basis.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 1st March, 2024 (Pritam) CMP(M) 891 of 2022 in RS No. 46 of 2017 Statement of Shri G.R. Palsra, Advocate, for the petitioner.

Without Oath 01.03.2024 Stated that I do not want to examine Smt. Pingla Devi being repetitive in nature. I also tender in evidence the original Jamabandi for the year 2008-2009, Ex. AW1/B and close the evidence on behalf of the petitioners.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 1st March, 2024 (Pritam) CMP(M) 891 of 2022 in RS No. 46 of 2017 01.03.2024 Present: Mr. G.R. Palsra, Advocate, for the petitioners.

Mr. O.P. Chauhan, Advocate, for the respondents.

Statement of Shri Padam Nabh is recorded as AW-1. Learned counsel for the petitioner vide his separate statement close the evidence on behalf of the petitioner and tendered the Jambandi for the year 2008-2009, which is taken on record Ex. AW1/B. Learned counsel for the respondents seeks time for taking the steps for RWs. Let the steps be taken within fifteen days. Thereafter process be issued for the service of RWs, for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 1st March, 2024 (Pritam) 04.03.2024 Present: Mr. Varun Chauhan, learned vice counsel for the plaintiff.

Mr. T.S. Chauhan, Advocate, for defendant No.1.

Mr. Het Ram, learned vice counsel for defendant No.2.

None for defendant No.3 As per order dated 17.11.2023, passed by Additional Registrar (Judicial), the plaintiff was to be produced on self responsibility for adducing his evidence today, however, learned vice counsel for the plaintiff submits that due to recent snowfall at Narkanda, the plaintiff could not come to the Court today. He seeks time for plaintiff's evidence.

The request of learned vice counsel for the plaintiff is considered and allowed. Let the plaintiff be produced on the next date of hearing to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 4th March, 2024 (Pritam) CMP(M) No. 1244 of 2022 In RSA 04.03.2024 Present: Ms. Urvashi Rajta, Advocate vice Mr. Tara Singh Chauhan, Advocate, for the applicant.

None for the respondents.

As per office report, list of witness has been filed by the learned counsel for the applicant and all the witnesses mentioned in the list of witnesses will be produced on self responsibility.

Let the case be listed for AWs on 08.4.2024.

Paras Doger Registrar (Judicial) 4th March, 2024 (Pritam) One sealed Parcel containing used OMR Answer Sheets, is submitted, please.

Paras Doger Registrar (Judicial) 04.03.2024 Worthy Registrar (Vigilance/Recruitment) It is humbly submitted that a letter dated 23 rd January, 2024, has been received from the Ld. District & Sessions Judge, Shimla, forwarding therewith the request letter of Civil Judge- cum-ACJM, Court No.3, Shimla, alongwith an email sent by one of the party, namely Seema Sahai, pertaining to her Civil Suit.

In this regard, it is further submitted that no Civil Suit pertaining to the applicant (Seema Sahai), is pending adjudication before the Hon'ble High Court of Himachal Pradesh as of date and her case i.e. Civil Suit No. 4 of 2014, which was pending before the Hon'ble High Court has been transferred to the Lower Court, Shimla, on account of enhancement of pecuniary jurisdiction.

Therefore, no action/comments can be made by the Judicial Branch. Accordingly, the matter is submitted for your kind perusal consideration and orders.

Submitted, please.

(Paras Doger) Registrar (Judicial) 04.03.2024 Worthy Registrar General PW-1 Statement of Shri Hanish Rana S/o Shri A.C. Rana, aged about 47 years, O/o Civil Judge Manali, District Kullu, Himachal Pradesh.

On Oath 04.03.2024 Stated that I am posted as Civil Ahlmad in the Court of Ld. Civil Judge Senior Division Manali, since 2018. I have brought the summoned record Civil Suit No. 5 of 2015, titled as Kamal D Lama vs. Ram Singh. As per the record the above said Civil Suit was filed on 01.01.2015 and the same was decided on 04.01.2024. The certified copy of the plaint Ex.PW-1/A, and certified copy of the replication Ex. PW-1/B, certified copy of the application under Order IX Rule 7, CPC Ex. PW-1/C and certified copy of the reply to the said application Ex. PW- 1/D, are same as per the original record brought by me.

xxx xxx xxx Shri B.S. Attri, Advocate, for the defendant.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th March, 2024 (Pritam) PW-2 Statement of Ms. Devi Bali, Assistant Manager, H.P. Financial Corporation, New Himrus Building, Circular Road, Shimla.

On Oath 04.03.2024 Stated that I am posted as Assistant Manager, In H.P. Financial Corporation, New Himrus Building, Circular Road, Shimla, since 2020. I have brought the requisitioned record. As per our record, H.P. Financial Corporation has granted the loan in favour of Shri Ram Singh, for the purpose of constructing the Hotel, namely Hotel Seagull, at Manali, District Kullu, H.P. Shri Ram Singh was granted loans ( seven times) from time to time for raising the construction of the said Hotel. Shri Ram Singh closed/paid all the loan cases time to time and as of date there is only one loan account, which is pending with the H.P. Financial Corporation. Pertaining to the said pending loan of Shri Ram Singh, recovery proceedings were initiated by the H.P. Financial Corporation and the said Hotel was taken over on 15.03.2019. The copy of the recovery proceedings is Ex. PW-2/A. I have brought the original record of the proceedings of Ex.PW-2/A. I have also brought the certified copy of the statement of accounts of Shri Ram Singh, which is Ex. PW-2/B. The letter dated 04.07.2018, Ex.PW2/C-1, (three leaves) and letter dated 25.02.2019, Ex.PW-2/C-2, have been issued by our office to M/s Hotel Seagull and Shri Ram Singh.

xxx xxx xxx Shri B.S. Attri, Advocate, for the defendant.

It is correct that after taking over the possession of the Hotel Seagull, the H.P. Financial corporation handed over the possession of the said Hotel by Smt. Sarita Bodh w/o Shri Ram Singh as General Power of Attorney of Ram Singh. I do not know that Smt. Sarita Bodh is running the Hotel as of date. Self stated that we have not received any payment from Smt. Sarita Bodh. It is correct that Ex.PW-2/A, has not been prepared by me. Self stated that I have only prepared Accounts statement i.e. Ex.PW-2/B. The taking over proceedings Ex. PW- 2/A, has been prepared by Shri M.S. Chitranta, Manager H.P. Financial Corporation and Shri B.L. Bhardwaj of the Corporation. Both the above said officials have retired. I have prepared the statement of Accounts Ex.PW-2/B on the basis of scroll/ledger sent by the Cash Section. It is correct that I cannot tell from which date Smt. Sarita Bodh was having possession of the said Hotel.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th March, 2024 (Pritam) PW-3 Statement of Shri Vinod Kumar Chambyal, Deputy Superintendent, Model Central Jail, Nahan, District Sirmour, H.P. On Oath 04.03.2024 Stated that I am posted as Deputy Superintendent, Model Central Jail, Nahan, District Sirmour, H.P., since June, 2020. I have brought the original summoned record. As per my record accused Ram Singh undergone the sentence in different cases at Model Central Jail, Nahan for the total period of four years eleven months. As per our record, Ram Singh, had undergone the sentences from 10.11.2015 to 09.07.2019, the details of which are mentioned in the custody certificate Ex. PW-3/A and Ex. PW-3/B, has been issued by my predecessor and I am conversant with his signatures.

xxx xxx xxx Shri B.S. Attri, Advocate, for the defendant.

It is correct that Ex.PW-3/A and Ex. PW-3/B has not been prepared in my presence. He had undergone the sentences in Model Central Jail Nahan under Section 138 of the Negotiable and offence under IPC, detail of which is given in Ex. PW-3/A and Ex. PW-3/B. R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th March, 2024 (Pritam) 04.03.2024 Present: Mr. Ashok Sood, Senior Advocate with Ms. Pooja Verma, Advocate, for the plaintiff.

Mr. B.S. Attri, Advocate, for the defendant.

Statement of Shri Hanish Rana, Ms. Devi Bali and Shri Vinod Chambyal, are recorded as PW-1 to PW-3, respectively. Learned counsel for the plaintiff has submitted that Shri Ram Singh plaintiff is also present today. Learned counsel for the plaintiff submits that the plaintiff will be examined at later stage. Learned counsel for the defendant has submitted that in case the plaintiff is not examined today before examining the witnesses, who are present today.

Learned counsel for the plaintiff submits that he will move the appropriate application for examining the plaintiff after the examination of witnesses of record. Let the PWs at Sr. No. 4,5 and 6 in the list of witnesses be summoned on taking steps within fifteen days for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 4th March, 2024 (Pritam) Criminal Appeal No. 484 of 2015  
05.03.2024 Present: Mr. Sunaina, Deputy Advocate General, for the appellant.

Mr. Abhishek, Advocate, vice Ms. Rachna Kuthiala, Advocate, for respondents No. 2,3 and 5.

As per the orders of Hon'ble Court dated 09.01.2024, the serving officer who conducted the proclamation proceedings appeared for getting his statement recorded with respect to the proclamation of respondent No.6.

The statement of Shri Hari Ram, HASI (Retd.) is recorded.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 5th March, 2024 (Pritam) Criminal Appeal No. 484 of 2015  
Statement of Shri Hari Ram, HASI (Retd.), S/o Shri Biria Ram R/o Village Aduwal, P.O. Reru, Tehsil Nalagarh, District Solan, Himachal Pradesh.

On Oath 05.03.2024 Stated that on the proclamation notice was handed over to me by IC summon, Superintendent of Police Baddi, District Solan, Himachal Pradesh, on 01.11.2023, for affixing the same at some conspicuous places at Shiv Colony Pinjore, Kalka, Conspicuous part of the Municipal Corporation office Panchkulla and Kalka, and notice Board of Police Station Pinjore and in the Court of Ld. Magistrate at Kalka Pinjore and Nalagarh. In compliance to that I affixed the copy of proclamation at Shiv Colony Pinjore on 07.12.2023, in the presence of Municipal Councillor Kalka. I also take the signature of the Municipal Counselor after affixing the proclamation notice at Shiv Colony. The proclamation was also read over to the general public present at that time in the presence of Municipal Counselor. On the same day, i.e. on 07.12.2023, I also affixed the copies of the proclamation in the office of Municipal Council Panchkulla in the presence of witnesses who also appended their signatures on the back side of the proclamation notice. I also affixed the copy of the proclamation notice at police station Pinjore on 13.11.2023 in the presence of MHC Pinjore, who also appended his signature on the back side of the proclamation notice. I also affixed the copy of the proclamation notice in the Courts of Magistrate at Kalka Pinjore and Nalagarh on 20.11.2023, 21.11.2023 and 07.12.2023 in the presence of the witnesses who appended their signatures on the back side of the proclamation notice. After completing the affixation at the above said places, I send the compliance report to IC summon, Superintendent of Police office Baddi, District Solan, H.P. R.O. & A.C. (Paras Doger) Registrar (Judicial) 5th March, 2024 (Pritam) PW-3 Statement of Shri Arvind Sharma, aged 54 years, Income Tax Officer, TDS, Solan, District Solan, Himachal Pradesh.

On Oath 05.03.2024 Stated that I am posted as Income Tax Officer, TDS Solan, from August, 2023. I have brought the original summoned record. The certified copy of the computer generated TDS deposit with respect to M/s Andaz Resort Pvt. Ltd. TAN No. PTLA14025E, for the financial year 2014-2015, is Ex. PW-3/A and for the year 2015-2016, Ex.PW-3/B. I have also issued the certificate under Section 65B of the Indian Evidence Act, Ex. PW- 3/C, regarding the authenticity of the computer generated documents Ex.PW-3/A and Ex.PW-3/B. The deductee of the TDS with respect to Anand Resort is Shri Chaman Lal having PAN No. ACHPL0159Q.

xxx xxx xxx Shri B.S. Attri, Advocate, for the defendant.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 5th March, 2024 (Pritam) 05.03.2024 Present: Mr. Anirudh Sharma, Advocate vice Mr. P.S. Goverdhan, Advocate, for the plaintiffs.

Mr. B.S. Attri, Advocate, for defendants.

Statement of Shri Arvind Sharma, is recorded as PW-3. As per office report, PWs mentioned at Sl. No. 6 and 8, in the list of witnesses are duly served. Learned vice counsel for the plaintiff submits that due to ill health witness mentioned at Sl. No.8, could not come to the Court to adduce his evidence. Shri Neeraj Sharma, learned counsel also represented the witness mentioned at Sl. No. 6 requested that due to some health issues, he could not come to the Court for adducing his evidence. Learned counsel seeks time for producing the witnesses, who are served for today but could not come to the Court.

The requests of the learned counsel are considered. Let the witnesses mentioned at Sl. No. 6 and 8 be summoned for the date to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 5th March, 2024 (Pritam) CMP(M) No. 285 of 2023 in RSA 06.03.2024 Present: Mr. Goldy Kumar, Advocate, for the applicant/appellant Ms. Vandana, Advocate, vice counsel for Mr. Sanjay Jaswal, Advocate for non-applicant/ respondent.

As per the office report the steps for summoning the applicants' witnesses have not been taken.

Learned counsel for the applicant has submitted that the list of witnesses and P.F have been filed yesterday i.e., on 5.03.2024. Learned counsel for the applicant further submits that he wants to examine the applicant only and he will be produced on self responsibility.

Since, the applicant will be produced on self responsibility, therefore, there is no need to issue the summons. Let the AWs be produced on self responsibility on 30.04.2024.

Paras Doger Registrar (Judicial) 6th March, 2024 (gaurav) 07.03.2024 Present: Ms. Shikha Rajta, Advocate, vice counsel for Mr. Prem P. Chauhan, Advocate for the plaintiff.

Mr. Panku Chaudhary, Advocate, vice counsel for Mr. Virender Katoch, Advocate for the defendants.

Learned vice counsel for the plaintiff has submit that the plaintiff is not present today due some unavoidable circumstances. Learned vice counsel for the plaintiff further submits that she will produce the plaintiff on the next date of hearing on self responsibility.



Accordingly, let the case be listed for plaintiffs' evidence for the date to be fixed by the Additional Registrar(Judicial).

Paras Doger Registrar (Judicial) 7th March, 2024 (gaurav) 11.03.2024 Present: Mr. Rohit, learned vice counsel for the plaintiff.

Mr. Ajeet Jaswal, Advocate, learned vice counsel for defendant No.1.

Mr. Ashok Sood, Senior Advocate with Mr. Khem Raj, Advocate, for defendant No.2.

As per the office report, defendant No.2 is required to be produced on self responsibility for adducing his evidence. Learned counsel for defendant No.2, submits that defendant No.2 is not present today, however, he will be produced on the next date of hearing on self responsibility.

Accordingly, let the case be listed before Additional Registrar (Judicial) for fixing the date of defendant No.2, evidence, who will be produced on self responsibility.

Paras Doger Registrar (Judicial) 11th March, 2024 (Pritam) PW-5 Statement of Ms. Sumna Kumari, aged about 31 years, Patwari, Patwar Circle Ner, Tehsil Balh, District Mandi, Himachal Pradesh.

On Oath 11.03.2024 Stated that I am posted as Patwari at Patwar Circle Ner, Tehsil Balh, District from the last two years. I have brought the original revenue record. As per original revenue record Jamabandi for the year 2017-2018 and notes/mutations at Sl. No. 1 to 3 in the said Jamabandi are as per the original record, which I have brought today. The copy of the said Jamabandi is Ex. PW-5/A. Original seen and returned.

xxx xxx xxx Mr. Tara Singh Chauhan, Advocate for the defendants.

The Mutation No. 4937 is attested by the Tehsildar on 03.02.2023 and the mutation No. 4954 was also attested by the Tehsildar on 01.02.2023. The said mutations were attested by the Tehsildar on the application dated 08.10.2020, filed by the Bank. It is correct that as per the record the share pertaining to one of the co-sharer, namely Shri Bharat Kumar is still mortgaged with the Canara Bank as of date. I have not brought the application pertaining to the mutation No. 4954, since the same has not been requisitioned. It is correct that the share pertaining to one of the co-sharer was mortgage with Central Bank of India, Gutkar Branch, District Mandi. Self stated that the same has been re- deemed vide mutation No. 4954.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th March, 2024 (Pritam) PW-4 Statement of Mr. Tashi, aged 35 years, S/o Shri Tandup Gyacho, R/o Village Surad, P.O. Khokhan, Tehsil Bhunter, District Kullu, H.P. The witness was deferred on 29.05.2023, and his examination is resumed.

On Oath 11.03.2024 Stated that I have brought the abstract of the Account Ledger Inquiry relating to Ashok Kumar (Housing Loan) today. The said housing loan was closed by Shri Ashok Kumar on 08.10.2020. The certified copy of the Account Ledger Inquiry of Shri Ashok Kumar is Ex. PW-4/A.

The certificate under Bankers Book Evidence Act is Ex.PW4/B. xxx xxx xxx Mr. Tara Singh Chauhan, Advocate for the defendants.

I am Branch Manager of the Indian Overseas Bank Branch at Ner. I am duly responsible for maintaining the record of the Branch. It is correct that Shri Parkash Chand remained Branch Manager of the above said Branch. I am not aware the period during which Shri Parkash Chand was Branch Manager of Ner Branch. I am not aware about the certificate (Mark D-2), issued by the then Branch Manager. Shri Ashok Kumar was posted as Manager during the year 2018 in our Branch.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th March, 2024 (Pritam) Statement of Shri George, learned counsel for the plaintiff.

Without Oath 11.03.2024 Stated that I close the evidence on behalf of the plaintiff since the list of witnesses has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th March, 2024 (Pritam) 11.03.2024 Present: Mr. George, Advocate, for the plaintiff.

Mr. Tara Singh Chauhan, Advocate, for the defendants.

Statement of Shri Tashi is resumed today and is recorded as PW-4. Statement of Ms. Sumna Kumari, is recorded as PW-5. Vide separate statement, Shri George, learned counsel for the plaintiff has closed the evidence on behalf of the plaintiff.

Accordingly, now the case be listed before Additional Registrar (Judicial) for fixing the date of defendants evidence. Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 11th March, 2024 (Pritam) CMP No. 9395 of 2018 in RSA No. 112 of 2018 12.03.2024 Present: Mr. Gaurav Chaudhary, Advocate, for the applicants/appellants.

Mr. Kiran Kumar Chauhan, Advocate vice Mr. Dushyant Dadwal, Advocate, for the respondents.

As per the office report, RWs mentioned at Sl. No. 3 and 4 are duly served, however, witness mentioned at Sl. No. 5 has refused to take the notice on account of his ill health. Learned vice counsel for the respondents has placed on record the prescription slip of witness Ishwar Dass Dogra (RW) mentioned at Sl. No. 4 and Atul Sharma, (RW) mentioned at Sl. No. 3. The prescription slips are taken on record. However, the witness mentioned at Sl. No. 5 has again refuse to take the summon.

The perusal of the earlier order dated 19.10.2023, depicts that on the earlier occasion also the witness at Sl. No. 4 has shown his inability to come to the Court due to his ill health and witness mentioned at Sl. No. 5 has refused to take the summon. From the conduct of the witnesses it appears that they are not coming to the Court without any basis.

Learned vice counsel for the respondents has submitted that he will inform personally to these witnesses to come to the Court for adducing their evidences on the next date of hearing.

Accordingly, let fresh summons be issued for the service of witnesses mentioned at Sl. No. 3,4 and CMP No. 9395 of 2018 in RSA No. 112 of 2018 5 for the date to be fixed by the Additional Registrar (Judicial). Steps, be taken within fifteen days.

Paras Doger Registrar (Judicial) 12th March, 2024 (Pritam) 12.03.2024 Present: Mr. J.S. Bhogal, Senior Advocate with Mr. T.S. Bhogal, Advocate, for the applicant.

Mr. Neeraj Gupta, Senior Advocate with Mr. Vedhant Ranta, Advocate, for the respondent.

The witness, Dr. Namita Sharma, PGIMER, Chandigarh is examined through Video Conferencing as AW-1. The witness has been duly identified by Ms. Geetika Dudeja, Coordinator PGIMER Chandigarh at remote end. List of witnesses filed by the applicant is exhausted. Learned Senior Counsel for the applicant submits that he will move appropriate application for secondary evidence before the Hon'ble Court.

Since the list of witness filed by the applicant is exhausted, accordingly, AWs are closed. At this stage, the respondents does not want to lead any evidence on behalf of the respondents. Section Officer concerned is directed to send a copy of the statement to the witness at her address at the earliest, so that the witness will send it back to the Court after signing her statement.

Let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 12th March, 2024 (Pritam) AW-1 Statement of Dr. Namita Sharma, aged 30 years, presently working as Senior Resident, Department of Psychiatry, at PGIMER, Chandigarh.

On Oath 12.03.2024 Stated that I am working as Senior Resident, Department of Psychiatry at PGIMER, Chandigarh. I have not been able to trace the record pertaining to the admission and treatment of the patient, Shri Surinder Saroop as the same has been destroyed, as per policy of PGIMER, Chandigarh. The Circular dated 20.06.2013, Ex. AW-1/A and office order dated 12.06.2018, along with list of destroyed files (three leaves) Ex.AW-1/B, have already been submitted by me through email. I have not annexed any certificate regarding destruction of files of the patient Shri Surinder Swaroop, however, I have placed on record through email the list of destructed files in which the file of Shri Surinder Saroop has been mentioned at Serial Number 147. I am not aware the date on which the file of Shri Surinder Saroop has been destroyed.

xxx xxx xxx Mr. Neeraj Gupta, Senior Advocate with Mr. Vedhant Ranta, Advocate, for the respondent.

As per my knowledge and the information gathered from the Administration Department PGIMER, Chandigarh, the Circular Ex. AW-1/A and Office Order Ex.AW-1/B, are the only Circulars by which

the files of the indoor patient are being destroyed. Self stated that I am not certain whether there is any other Circular or office order have been issued pertaining to this fact by the PGIMER Administration Chandigarh.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 12th March, 2024 (Pritam) 13.03.2024 Present: Mr. Vikas Deep and Ms. Nidhi Jain, Advocates, for the plaintiff.

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Pal Singh Jaswal and Mr. Vedhant Ranta, Advocates, for the defendant.

The plaintiff Shri Pavel Garg is present today for adducing his evidence today. However, learned Senior Counsel for the defendant submits that he wants to confront the plaintiff with certain documents and the same are not available with him today. Therefore, learned Senior Counsel seeks adjournment.

Learned counsel for the plaintiff has further submitted that there are three Civil Suits of similar nature and the point of controversy in the said Civil Suits is almost similar and the parties these Suits are same. Learned counsel for the plaintiff further submits that he will move an appropriate application before the Hon'ble Court for consolidation of the cases as the evidence in all these Suits, required to be led by the plaintiff is similar.

Accordingly, let the case be listed before the Hon'ble Court after the appropriate application will be filed by the plaintiff for consolidation of the cases i.e. Civil Suit Nos. 77, 78 and 79 of 2016.

Paras Doger Registrar (Judicial) 13th March, 2024 (Pritam) 13.03.2024 Present: Mr. Vikas Deep and Ms. Nidhi Jain, Advocates, for the plaintiff.

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Pal Singh Jaswal and Mr. Vedhant Ranta, Advocates, for the defendant.

The plaintiff Shri Pavel Garg is present today for adducing his evidence today. However, learned Senior Counsel for the defendant submits that he wants to confront the plaintiff with certain documents and the same are not available with him today. Therefore, learned Senior Counsel seeks adjournment.

Learned counsel for the plaintiff has further submitted that there are three Civil Suits of similar nature and the point of controversy in the said Civil Suits is almost similar and the parties these Suits are same. Learned counsel for the plaintiff further submits that he will move an appropriate application before the Hon'ble Court for consolidation of the cases as the evidence in all these Suits, required to be led by the plaintiff is similar.

Accordingly, let the case be listed before the Hon'ble Court after the appropriate application will be filed by the plaintiff for consolidation of the cases i.e. Civil Suit Nos. 77, 78 and 79 of 2016.

Paras Doger Registrar (Judicial) 13th March, 2024 (Pritam) 13.03.2024 Present: Mr. Vikas Deep and Ms. Nidhi Jain, Advocates, for the plaintiff.

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Pal Singh Jaswal and Mr. Vedhant Ranta, Advocates, for the defendant.

The plaintiff Shri Pavel Garg is present today for adducing his evidence today. However, learned Senior Counsel for the defendant submits that he wants to confront the plaintiff with certain documents and the same are not available with him today. Therefore, learned Senior Counsel seeks adjournment.

Learned counsel for the plaintiff has further submitted that there are three Civil Suits of similar nature and the point of controversy in the said Civil Suits is almost similar and the parties these Suits are same. Learned counsel for the plaintiff further submits that he will move an appropriate application before the Hon'ble Court for consolidation of the cases as the evidence in all these Suits, required to be led by the plaintiff is similar.

Accordingly, let the case be listed before the Hon'ble Court after the appropriate application will be filed by the plaintiff for consolidation of the cases i.e. Civil Suit Nos. 77, 78 and 79 of 2016.

Paras Doger Registrar (Judicial) 13th March, 2024 (Pritam) PW-14 Statement of Shri Vinay Kumar, S/o Late Parma Nand, aged 58 years, presently working as Superintendent in the office of Central GST Commissionerate, Chotta Shimla-171 002.

On Oath 14.03.2024 Stated that I am working as Superintendent in the office of Central GST Commissionerate, Chotta Shimla from the last five years. I have brought the requisitioned record. The Leave License Agreement Ex. PW-12/A, is true and correct as per official record. I have also brought the recommendation of the higher rate increase by CPWD, Mark-A, now Ex. PW-14/A. Objected to on the mode of proof.

xxx xxx xxx Mr. YP Sood, Advocate for the defendant It is correct that Ex. PW-14/A, has never been dealt with by me nor I have appended my signature on the said document. Self stated that I have brought the original official record. I am not conversant with the signatures or the name of the official, who has appended their signatures on Ex. PW-14/A. Self stated that I am conversant with the signatures of Shamsheer Saini, under Red Circle B, who was working Tax Assistant in our office at that relevant time.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th March, 2024 (Pritam) PW-15 Statement of Ms. Sonia Thakur, D/o Shri Durga Charan Singh, aged about 45 years, presently working as Secretary, H.P. State Information Commission, Shimla.

On Oath 14.03.2024 Stated that I am working as Secretary in the Office of H.P. State Information Commission, since April 2022. I have brought the requisitioned original record. As per our record, the rent invoice Ex. PW-15/A, is true and correct. I have also brought the photocopy of the

agreement dated 01.04.2017, between Parmod Sood and Himachal Pradesh State Information Commission, copy of which is Mark-C. xxx xxx xxx Mr. YP Sood, Advocate for the defendant The original agreement Mark-C, is not available in our official record.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th March, 2024 (Pritam) Statement of Mr. Dhananjay Sharma, Advocate, for the plaintiff.

Without Oath 14.03.2024 Stated that I give up PW Dev Dhir, mentioned at Sl. No. 1 in the list of witness being repetitive in nature.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th March, 2024 (Pritam) 14.03.2024 Present: Ms. Sunita Sharma, Senior Advocate with Mr. Dhananjai Sharma, Advocate, for the plaintiff.

Mr. Y.P. Sood, Advocate, for defendants No. 1 and None for defendant No.3.

Statement of Shri Vinay Kumar and Ms. Sonia Thakur, are recorded as PW-14 and PW-15, respectively. Shri Dhananjay Sharma, learned counsel for the plaintiff vide his separate statement has given up Shri Dev Dhir witness mentioned at Sl. No.1, in the list of witnesses.

The plaintiff and witness Shri B.C. Sharma, are also present but learned counsel for the defendants submits that due to some unavoidable reason, he is not able to cross examine the witness Shri B.C. Sharma and plaintiff today. Learned counsel for the defendants further requested that the remaining witnesses may be examined on the next date of hearing. Learned counsel for the plaintiff has no objection to the request of learned counsel for the defendants. Accordingly, the other witnesses present today are discharged for today.

Let the plaintiff and the witness Shri B.C. Sharma be produced on self responsibility on the next date of hearing. List on 13.05.2024, for remaining PWs.

Paras Doger Registrar (Judicial) 14th March, 2024 (Pritam) 15.03.2024 Present: Mr. Rahul Mahajan, Advocate, for the appellant/applicant Mr. Manish Sharma, Advocate, for the respondents/non-applicant No. 1,2 and 4.

Respondents No. 3 (A) to 3(c) already ex-parte.

Applicant, Shri Sarwan Kumar is present today. However, learned counsel for non-applicant No. 1,2 and 4 submits that due to inadvertence he has not marked the case and, therefore, he has not contacted his client and seeks adjournment for today. The request of learned counsel for the non-applicant is not opposed by the applicant/appellant. Accordingly, the matter is adjourned for today.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of remaining AWs on self responsibility.

Paras Doger Registrar (Judicial) 15th March, 2024 (Pritam) That by this email, the petitioner wants to get to bring into the notice the high volume of illegal Slate mining happening in the areas around Dharamshala, i.e. Khaniyara, Lungta and Salate Godown which is impacting the fragile Himalayas and eco-system. As per the petitioner, he had a chance to track at the area around Lungta Camps in Khaniyara, whereby he was surprised to notice the level of the Slate mining going on in this area.

The complete area has been ruined by the heavy explosive and equipment used by the people to bring down the mountains for getting the Slate. As per the petitioner, there is a very beautiful river, which is visible near to the Power Project and thereafter it is lost in the ruins and debris/rocks left from the mining. During the petitioner's visit heard three loud explosion due to which a big chunk of mountain fell down. A group of people after every 20 meters were found to be busy in bringing down the mighty mountain and extracting Slates. The illegal mining is resulting in de-forestation and damage to the Himalaya at unprecedented scale and this activity is going for the years un-checked. Further, where this activity is going on is forest area.

That the negligence of the local administration and un- checked illegal mining activities is posing a risk to the beauty of the Himalayas which could change the demographic structure and may result a calamity at any time.

Civil Suit No. 95 of 2020 a/w Counter Claim No. 108 of 2021 18.03.2024 Present: Mr. Maan Singh, Advocate, for the plaintiff in Civil Suit No. 95 of 2020 and defendant/Counter Claimant in Civil Suit No. 108 of 2021..

Mr. Janmajai Chauhan, Advocate, vice Mr. Sunil Mohan Goel, Advocate, for the defendant in Civil Suit No. 95 of 2020 and for the plaintiff/counter claimant in Civil Suit No. 108 of 2021.

The plaintiff (Yash Pal) and witness Shri Ramesh Kanwar, are present today. However, learned vice counsel for the defendants/counter claimants submits that their names have not been reflected in the Cause List, therefore, they could not ascertain that the case has been listed today for plaintiff's evidence as they have not brought the case file today. Learned vice counsel for the defendants seeks adjournment on this ground.

The prayer of the learned vice counsel is genuine, accordingly, recording of plaintiff's evidence is adjourned for today.

The Dealing Assistant concerned is directed to reflect the name of the learned counsel for the defendants/Counter Claimants in the Cause List in future. Moreover, the defendants have also filed counter claim, which has been registered as Civil Suit No. 108 of 2021 and the same has also not been reflected in the Cause List. The perusal of issues framed by the Hon'ble Court, shows that there will be common evidence in both the Civil Suits, therefore, the Dealing Assistant concerned is further directed to reflect the Counter Claim/Civil Suit No. 108 of 2021, in the Cause List in future.

Civil Suit No. 95 of 2020 a/w Counter Claim No. 108 of 2021 Accordingly, the witnesses, who are present today are discharged. Let the plaintiff be produced on self responsibility for the date to be

fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 18th March, 2024 (Pritam) 19.03.2024 Present:-

Ms. Sunaina, Deputy Advocate General, for the petitioner.

Shri T.S. Bhogal, Advocate alongwith Shri Bhagat Singh Negi (respondent is present)  
In compliance to the order dated 04.01.2024, the respondent Shri Bhagat Singh Negi, has furnished the security bond whereby he has specifically undertook that in the event the petitioner succeeds in the matter, he shall deposit the amount released in his favour alongwith interest accrued thereon in the Registry of this Hon'ble Court. Alongwith the Security bond the respondent has furnished the certified copy of Jamabandi for the year 2018-2019, in which a note has been appended by the Patwari that vide Mutation No. 963, a report has been made by the Patwari that Shri Bhagat Singh S/o Shri Padam Chand is co-sharer to the extent of 1/3rd share in the property inherited from his father and the average value of his share is approximately 91,81,580/- and the said share of the respondent is free from all encumbrances.

Accordingly, the security bond is accepted by me. Be processed further in compliance to the order dated 04.01.2024 of the Hon'ble Court.

Paras Doger Registrar (Judicial) 19th March, 2024 (Pritam) 19.03.2024 Present:-

Shri Gautam Sood with Shri Rohit, Advocates, for the appellants.

Shri Anand Sharma, Senior Advocate with Virender Thakur, Advocate, for respondents.

Learned counsel for the appellants submits that inadvertently they have not placed on record the documents intended to be proved by the witness Shri Nishant Thakur, Criminal Ahlmad, Senior Civil Judge-cum-CJM Court, Chamba, District Chamba. Learned counsel for the appellants further submits that he will move an appropriate application for placing on record the documents in accordance with law.

Accordingly, the witness namely Shri Nishant Thakur, Criminal Ahlmad, CJM Court Chamba is discharged for today. Let the case be listed before the Hon'ble Court after the application is filed by the appellants.

Paras Doger Registrar (Judicial) 19th March, 2024 (Pritam)

20.03.2024 Present:-

Shri Vijay Kumar Verma, Advocate, for the petitioner.



Ms. Drishti Sirswal, Advocate, vice Mr. Balwant Kukreja, Advocate, for respondent No.1.

Mr. Balvinder Singh Ballu, Deputy Advocate General for the State-respondent No.2. None for respondents No. 3 to 73.

As per office report, proclamation charges for the sale of property have been deposited by the petitioner. Let the warrant of sale be issued as per the following schedule:-

1. Date of Proclamation (for both the properties situated at Solan-Parwanoo and Jalandhar)

-10.04.2024

2. Sale of property (at Solan-Parwanoo) -10.05.2024

2. Sale of property (at Jalandhar) -20.05.2024

3. Report -10.06.2024 Paras Doger Registrar (Judicial) 20th March, 2024 (Pritam) CMP No. 10766 of 2022 in RSA No. 605 of 2005

21.03.2024 Present:-

Shri Abhishek, Advocate, vice Ms. Rachna Kuthiala, Advocate, for the applicant. None for respondents.

As per office report, steps i.e. PF, list of witnesses and road and diet money have not been deposited. Learned vice counsel for the applicant-

appellant seeks time for doing the needful.

Let steps be taken within fifteen days, thereafter the process be issued for the service of AWs returnable for 23.05.2024.

Paras Doger Registrar (Judicial) 21th March, 2024 (Pritam) CMP(M) No. 1684 of 2022 in RSA AW-1 Statement of Shri Pankaj Pandit, Deputy Manager (General/Legal), Himachal Pradesh General Industries Corporation Ltd., aged 37 years, Himrus Building near Hotel Himland, Shimla, Himachal Pradesh.

On Oath 21.03.2024 Stated that I am working as Deputy General Manager, at HPGIC, Shimla since 2017. I have been duly authorized to adduce evidence on behalf of HPGIC by the Managing Director, the copy of authority letter is Ex.

AW-1/A. The Corporation had filed the first appeal before the Lower Appellate Court and the same was decided by the Court of Additional District Judge-I, Shimla on 31.12.2021. The Corporation/applicant came to know about the said decision when the Corporation received notice dated 28.07.2022 in Execution Petition No. 55 of 2022. After receiving the notice in the Execution Petition the Corporation wrote a letter dated 03.08.2022 to Shri Vikrant Thakur, Advocate, who was appearing as Standing Counsel for the Corporation in the said appeal regarding to know about the status of the said appeal. We did not receive any correspondence from our Standing Counsel thereafter the applicant again wrote a letter dated 27.08.2022, to our Standing Counsel. Since even after the reminder to our counsel we did not get any reply, therefore, I personally visited Lower Court and applied the certified copy of the judgment of the Lower Appellate Court on 01.09.2022, which was received by me on 08.09.2022. Thereafter we consulted our Advocate at CMP(M) No. 1684 of 2022 in RSA High Court and on 16.12.2022, the applicant-appellant filed the present Regular Second Appeal in the High Court. There is no intentional or willful delay on the part of the applicant as the applicant came to know about the decision of First Appellate Court only after receipt of notice in the Execution petition.

xxx xxx xxx Mr. Janesh Gupta, Advocate for the respondent.

It is correct that Shri Rakesh Prajapati is not Managing Director of the HPGIC at present. Self stated that Shri Ashutosh Garg is Managing Director of the HPGIC as of date. Shri Ashutosh Garg has joined as Managing Director in the month of February, 2022. It is correct that Ex.AW-1/A has not been issued by the present Managing Director. It is correct that the letters written to the Standing Counsel has not been annexed on the record at the time of the filing of the appeal. Self stated that I have brought the original letter today. I am not aware that whenever a certified copy is applied the name of the applicant is reflected in the certified copy. It is incorrect that the Corporation was well aware about the decision of the First Appellate Court. It is incorrect that the Corporation has intentionally and willfully not filed the appeal in time. It is incorrect that there is delay and laches on the part of the Corporation. R.O. & A.C. (Paras Doger) Registrar (Judicial) 21st March, 2024 (Pritam) CMP(M) No. 1714 of 2022 in RSA AW-1 Statement of Shri Pankaj Pandit, Deputy Manager (General/Legal), Himachal Pradesh General Industries Corporation Ltd., aged 37 years, Himrus Building near Hotel Himland, Shimla, Himachal Pradesh.

On Oath 21.03.2024 Stated that I am working as Deputy General Manager, at HPGIC, Shimla since 2017. I have been duly authorized to adduce evidence on behalf of HPGIC by the Managing Director, the copy of authority letter is Ex. AW-1/A. The Corporation had filed the first appeal before the Lower Appellate Court and the same was decided by the Court of Additional District Judge-I, Shimla on 31.12.2021. The Corporation/applicant came to know about the said decision when the Corporation received notice dated 28.07.2022 in Execution Petition No. 55 of 2022. After receiving the notice in the Execution Petition the Corporation wrote a letter dated 03.08.2022 to Shri Vikrant Thakur, Advocate, who was appearing as Standing Counsel for the Corporation in the said appeal regarding to know about the status of the said appeal. We did not receive any correspondence from our Standing Counsel thereafter the applicant again wrote a letter dated 27.08.2022, to our Standing Counsel. Since even after the reminder to our counsel we did not get any reply, therefore, I personally visited Lower Court and applied the certified copy of the judgment of the Lower

Appellant Court on 01.09.2022, which was received by me on 08.09.2022. Thereafter we consulted our Advocate at CMP(M) No. 1714 of 2022 in RSA High Court and on 16.12.2022, the applicant-appellant filed the present Regular Second Appeal in the High Court. There is no intentional or willful delay on the part of the applicant as the applicant came to know about the decision of First Appellate Court only after receipt of notice in the Execution petition.

xxx xxx xxx Mr. Janesh Gupta, Advocate for the respondent.

It is correct that Shri Rakesh Prajapati is not Managing Director of the HPGIC at present. Self stated that Shri Ashutosh Garg is Managing Director of the HPGIC as of date. Shri Ashutosh Garg has joined as Managing Director in the month of February, 2022. It is correct that Ex.AW-1/A has not been issued by the present Managing Director. It is correct that the letters written to the Standing Counsel has not been annexed on the record at the time of the filing of the appeal. Self stated that I have brought the original letter today. I am not aware that whenever a certified copy is applied the name of the applicant is reflected in the certified copy. It is incorrect that the Corporation was well aware about the decision of the First Appellate Court. It is incorrect that the Corporation has intentionally and willfully not filed the appeal in time. It is incorrect that there is delay and laches on the part of the Corporation. R.O. & A.C. (Paras Doger) Registrar (Judicial) 21st March, 2024 (Pritam) CMP(M) No. 1684 of 2022 in RSA Statement of Shri Vikas Chauhan, Advocate, for the applicant.

Without Oath 21.03.2024 I close the evidence since the list of witnesses is exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 21st March, 2024 (Pritam) CMP(M) No. 1714 of 2022 in RSA Statement of Shri Vikas Chauhan, Advocate, for the applicant.

Without Oath 21.03.2024 I close the evidence since the list of witnesses is exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 21st March, 2024 (Pritam) CMP(M) No. 1684 of 2022 in RSA Statement of Shri Janesh Gupta, Advocate, for the respondent.

Without Oath 21.03.2024 The respondent does not want to lead any evidence.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 21st March, 2024 (Pritam) CMP(M) No. 1714 of 2022 in RSA Statement of Shri Janesh Gupta, Advocate, for the respondent.

Without Oath 21.03.2024 The respondent does not want to lead any evidence.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 21st March, 2024 (Pritam) CMP(M) No. 1684 of 2022 in RSA 21.03.2024 Present:-

Shri Vikas Chauhan, Advocate, for the applicant.

Shri Janesh Gupta, Advocate, for the respondent.

Statement of Shri Pankaj Pandit, Deputy Manager HPGIC, Shimla is recorded as AW-1.

Learned counsel for the applicant vide his separate statement close the evidence on behalf of the applicant. Further, learned counsel for the respondent vide his separate statement stated that he does not want to lead any evidence on behalf of the respondent in the present application.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate order.

Paras Doger Registrar (Judicial) 21th March, 2024 (Pritam) CMP(M) No. 1714 of 2022 in RSA 21.03.2024 Present:-

Shri Vikas Chauhan, Advocate, for the applicant.

Shri Janesh Gupta, Advocate, for the respondent.

Statement of Shri Pankaj Pandit, Deputy Manager HPGIC, Shimla is recorded as AW-1.

Learned counsel for the applicant vide his separate statement close the evidence on behalf of the applicant. Further, learned counsel for the respondent vide his separate statement stated that he does not want to lead any evidence on behalf of the respondent in the present application.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate order.

Paras Doger Registrar (Judicial) 21th March, 2024 (Pritam) COMS No. 19 of 2019 a/w Counter Claim No. 77 of 2019

22.03.2024 Present:-

Shri Manish Banolta Advocate, vice Shri Ravinder Singh Chandel, Advocate, for the plaintiff-non-counter claimant.

Shri Navneet Kumar Bhalla, Advocate, for the defendants-Counter claimants.

As per previous order, the plaintiff was required to be produced on self responsibility. However, learned vice counsel for the plaintiff submits that the plaintiff could not come to the Court today for adducing his evidence due to some un- avoidable reasons. Learned vice counsel further submits that the plaintiff will be produced on self responsibility on the next date of hearing and he seeks adjournment for today.

The request of learned vice counsel for the plaintiff has not been opposed by the learned counsel for the defendant. Accordingly, the matter is adjourned for today.

Let the plaintiff be produced for his evidence on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 22nd March, 2024 (Pritam) 26.03.2024 Present:-

Ms. Aruna Sharma, Advocate, vice Ms. Shalini Thakur, Advocate, for the plaintiffs.

Mr. G.D. Verma, Senior Advocate with Mr. Sumit Sharma, Advocate and defendant No.1, (Shri Ramesh Chand in person).

Vide order dated 08.12.2023, the Hon'ble court has fixed the date of remaining plaintiffs evidence for 23.03.2024 but the matter could not be taken up being Saturday (non-working day).

Accordingly, the case was taken up today. Learned vice counsel for the plaintiff submits that the remaining plaintiffs witness have to come from Pathankot and they have not come today. Learned vice counsel seeks adjournment for today.

Let the remaining plaintiffs witnesses be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 26th March, 2024 (Pritam) CMP(M) No. 1315 of 2022 in RSA No. 104 of 2021 AW-1 Statement of Ms. Parul Kapoor, Civil Ahlmad, office of Civil Judge Senior Division, Court No.1, Paonta, Sahib, District Sirmaur, Himachal Pradesh.

On Oath 26.03.2024 Stated that I have brought the original summoned record. The record pertains to the application under Order 39 Rule 2-A, of CPC. The said application has been filed by Mohinder Singh against Shri Baksheesh Singh S/o Shri Tara Singh Harmail Singh, Baldev Singh, Shamsher Singh all sons of Shri Baksheesh Singh. The said application was registered as C.M.A. No. 50/6/2015 on 20.03.2015. The CIS Number of the said CMA is 72/2015. Ex. AW-1/A, is true and correct as per the original record. The reply to the said CMA is Ex.AW- 1/B, which is true and correct as per the original record. The said CMA has been decided by the Ld. Senior Civil Judge, Court No.1, Paonta Sahib, on 31.08.2023 (original seen and returned).

xxx xxx xxx Mr. Atul G. Sood, Advocate for the respondents.

It is correct that as per record the above said CMA has been dismissed vide order dated 31.08.2023. R.O. & A.C. (Paras Doger) Registrar (Judicial) 26th March, 2024 (Pritam) CMP(M) No. 1315 of 2022 in RSA No. 104 of 2021 AW-2 Statement of Additional SHO Shri Jeet Ram, Police Station Puruwala, District Sirmour, Himachal Pradesh.

On Oath 26.03.2024 Stated that I have brought the original summoned record. Ex. AW-2/A, is true and correct as per the original record. The GD entry No. 17, dated 18.04.2021 (Ex.AW-2/A), was made by Shri Mohinder Singh on 18.04.2021. There is no record in the Police Station Puruwala regarding any application made by the applicant (Mohinder Singh) on 01.05.2022. On the complaint of the applicant the investigation was made by the police for which GD No. 17 dated 18.04.2021, was entered. Applicant Mohinder Singh again made a complaint for which GD entry No.14, dated 20.08.2023, was entered at Police Station Puruwala. Head Constable Ravinder Kumar went to the spot for investigation regarding GD entry No. 14, dated 20.08.2023 and thereafter made a reference of the conclusion of investigation in GD entry No. 14, dated 20.08.2023.

xxx xxx xxx Mr. Atul G. Sood, Advocate for the respondents.

The investigation pertaining to GD entry No. 17 dated 18.04.2021, was conducted by ASI Inder Singh. I have never visited the spot and carried any investigation personally. Since I have never visited the spot, therefore, I cannot say whether any construction was carried out or not CMP(M) No. 1315 of 2022 in RSA No. 104 of 2021 on the spot. It is correct that record pertaining to GD entry No. 14, dated 20.08.2023, was not summoned for today. R.O. & A.C. (Paras Doger) Registrar (Judicial) 26th March, 2024 (Pritam) CMP(M) No. 1315 of 2022 in RSA No. 104 of 2021 26.03.2024 Present:-

Mr. Neeraj Gupta, Senior Advocate with Mr. Ajeet Pal Singh Jaswal, Advocate, for the applicant.

Mr. Atul G. Sood, Advocate, for the respondents.

Statement of Ms. Parul Kapoor and Addition SHO Shri Jeet Ram, are recorded as AW-1 and AW-2. Let the applicant/appellant be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 26th March, 2024 (Pritam) CMP(M) No. 1532/2019 in RFA & CMP No. 1533 of 2019 in RFA

27.03.2024 Present:-

Shri P.K. Verma, vice counsel for the applicants.

Mr. Balvinder Singh Ballu, Deputy Advocate General for respondent No.1.

Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for respondent No.2.

As per office report, diet money amounting to Rs.8,000/- and the list of witnesses have been filed by respondent No.2 in both the CMPs. Learned Deputy Advocate General for respondent No.1 seeks some time for taking the steps.

Let the steps i.e. PF, diet money and list of witnesses, if any, be filed within fifteen days, thereafter the process be issued for the service of RWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 27th March, 2024 (Pritam) Election Petition No. 1 of 2023 27.03.2024 Present:-

Mr. R.K. Sharma, Senior Advocate with Mr. Arun Kumar, Advocate, for the petitioner.

Mr. Arun Kaushal, Advocate, for respondent No.1.

Respondents No. 2 to 4 already ex-parte.

Respondent No.5 already deleted vide order dated 11.10.2023 of the Hon'ble Court.

Let the case be listed on 30.04.2024 for admission and denial of the documents of the parties before the undersigned .

Paras Doger Registrar (Judicial) 27th March, 2024 (Pritam) CMP No. 3780 of 2024 in FAO (FC) No. 24 of 2023 Statement of Shri Sanjeev Bagga, S/o Shri Kamal Kumar Bagga aged 52 years, R/o House No. 171, Ward No.1, Krishna Nagar, Hamirpur, Himachal Pradesh.

On Oath 27.03.2024 Stated that I have entered into compromise with Smt. Bindiya Bagga and as per the compromise I have paid an amount of Rs.15,00,000/- (Rs. Fifteen lacs only) to Smt. Bindiya Bagga, in view of the compromise arrived at between us. We have also agreed to take the divorce from each other in accordance with law. I have entered into the compromise/settlement without any coercion, threat or undue influence. I have appended my signature at my own volition on the compromise dated 11.11.2023 (Annexure A-1, annexed with the application). In terms of the settlement arrived at between us, the present appeal may be decided.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th March, 2024 (Pritam) CMP No. 3780 of 2024 in FAO (FC) No. 24 of 2023 Statement of Smt. Bindiya Bagga, D/o Shri Rajinder Pal Verma, aged 46 years, R/o Partap Kali, Ward No. 5, House No. 153, Hamirpur, Himachal Pradesh.

On Oath 27.03.2024 Stated that I have entered into compromise with Smt. Sanjeev Bagga and as per the compromise I have received Rs.15,00,000/- (Rs. Fifteen lacs only) as full and final amount from Shri Sanjeev Bagga. In view of the compromise arrived at between us, we have also agreed to take the divorce from each other in accordance with law. I have entered into the compromise/settlement without any coercion, threat or undue influence. I have appended my signature at my own volition on the compromise dated 11.11.2023 (Annexure A-1, annexed with the application). In terms of the settlement arrived at between us, the present appeal may be decided.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 27th March, 2024 (Pritam) CMP No. 3780 of 2024 in  
FAO (FC) No. 24 of 2023 27.03.2024 Present:-

Mr. H.R. Hidhu, Advocate, for the appellant.

Mr. Ramesh Kaushal, Advocate, vice Mr. Rajesh Kashyap, Advocate for the respondent.

In compliance to the order dated 21.03.2024 of the Hon'ble Court the statement of the parties are recorded qua the settlement entered between the parties. The parties have been duly identified by their respective counsel.

Let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 27th March, 2024 (Pritam) Note: Court Master is requested to place the recorded statements before the Hon'ble Court at the time of hearing of the matter.

28.03.2024 Present:-

Mr. Balvinder Singh Ballu, Deputy Advocate General, for the petitioners Mr. Tarun Jeet Singh Bhoga and Ms. Swati Verma, Advocates, for the respondents.

As per office report in terms of the order dated 11.01.2024, passed by the Hon'ble Court in OMP No. 653 of 2023, the Bank Guarantee No. 0992624BG0000010, dated 20.01.2024, from State Bank of India, SPL COMM Branch SCO-103-106, Sector-17B, Chandigarh has been furnished by the respondents.

Let the verification of the said Bank Guarantee be made from the concerned Bank and thereafter the matter be listed again for further order.

Paras Doger Registrar (Judicial) 28th March, 2024 (Pritam) CMP(M) No. 1328 of 2022 in RSA AW-1 Statement of Shri Raj Kumar S/o Shri Ishwar Dass, aged about 39 years, R/o Village Padyarkahar, Tehsil Palampur, District Kangra, Himachal Pradesh.

On Oath 28.03.2024 Stated that Shri Joginder Pal had filed a Civil Suit No.75/01/2011 against me for the recovery of amount which has been dismissed by the trial Court on 13.07.2018. Thereafter, Joginder Pal had filed an appeal bearing No. 84-13 of 2018, before the First Appellate Court and the same was allowed by the first Appellate Court on 22.11.2019. Thereafter, I contacted Shri Gulzar Rathore, Advocate, in the High Court for filing the appeal on 02.01.2020. My Advocate asked me to come to Shimla in the month of March, 2020. When in the month of March 2020 I visited Shimla then I came to know that Shri Gulzar Rathore, Advocate is not well and he is not coming to his Chambers or Court. Thereafter I went back to my village. Thereafter, due to COVI19 pandemic in the moth of March, 2020, I could not come to Shimla due to the restrictions. Thereafter, I again visited



Shimla in the month of March, 2021, and inquired about Shri Gulzar Rathore Advocate then I came to know from his Chamber Mate/colleague that Shri Gulzar Rathore, Advocate had expired. In between March, 2020 to March 2021, I telephonically tried to contact Shri Gulzar Rathore, Advocate he was not picking up the phone. However, I talk to Shri Sunil, Advocate who was working with Shri CMP(M) No. 1328 of 2022 in RSA Gulzar Rathore. I inquired about my file from Shri Sunil but my file could not be traced in the office of Shri Gulzar Rathore. Thereafter, I again applied for the certified copies of the judgments of the trial and the first appellate Court. On receiving the certified copies of the judgments of the Courts below, I again contact the present Advocate at Shimla and he filed the appeal in the Hon'ble High Court on 22.09.2022. The delay, if any, is neither intentional nor willful but due to the aforesaid reasons.

xxx xxx xxx Mr. Surinder Saklani, Advocate for the respondents.

After the decision of the first appellant Court at Ghumarwin my Advocate applied for the certified copy of the judgment. I do not remember when the same was applied by my counsel at Ghumarwin. My counsel at Ghumarwin handed over me the copy of the judgment of the first appellant Court on 01.01.2020. I handed over the entire case file to Shri Gulzar Rathore, Advocate on 02.01.2020. Self stated that Shri Gulzar Rathore, Advocate advised me to come in the month of March, 2020. I am not aware about the limitation period of the appeal in the High Court. I did not inquire from my Advocate regarding the limitation period for filing of the appeal in the High Court. The COVID19 restrictions were laid by the Government in the year 2021. I do not know that during COVID restrictions the Courts were still functioning. Self stated that I visited during COVID period also. I do not know that Shri Joginder Pal had filed the Execution Petition before the trial Court. It is correct CMP(M) No. 1328 of 2022 in RSA that in the Execution Petition my property has been ordered to be attached by the Court. I did not appear before the trial Court in that Execution Petition. Again stated that whenever the Execution Petition was listed before the Court I use visit the Court on that day. I do not know that my Advocate had filed an application for setting aside the ex-parte order in the Execution Petition. It is correct that I use to visit Ghumarwin Court on the date whenever the Execution Petition is listed in the Court. It is incorrect that I have intentionally not filed the appeal in the High Court well in time. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 28th March, 2024 (Pritam) CMP(M) No. 1328 of 2022 in RSA 28.03.2024 Present:-

Mr. Rajiv Chauhan, Advocate for the applicant.

Mr. Surinder Kumar Saklani, Advocate, for the respondent.

Statement of Shri Raj Kumar (applicant) is recorded as Aw-1. Learned counsel for the applicant submits that the other witness is not present today for adducing his evidence today due to ill health of his mother. Learned counsel further submits that he will bring that witness on self responsibility on the next date of hearing.

Let the case be listed for remaining AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 28th March, 2024 (Pritam) 01.04.2024 Present:-

Mr. B.S. Attri, Advocate, for appellant No.1.

Applicant No.2 is stated to have been expired.

Mr. G.D. Verma, Senior Advocate with Mr. Sumit Sharma, Advocate, for the respondent.

Witness/applicant Shri Krishan Chand is present. Learned counsel for the appellant submits he had moved an application under Order 22 Rule 3 read with Section 151 of CPC for brining on record legal representative of applicant No.2 (Belu Ram). Learned counsel further submits that the issues framed by the Hon'ble Court does not appear to be in consonance with the pleadings on the application under Order 22 Rule 3, CPC. Therefore, learned counsel submits that he will move an appropriate application for reframing of the issues. Accordingly, the witness /applicant present today is discharged.

Let the matter be listed before the Hon'ble Court after filing the appropriate application by the applicant.

Paras Doger Registrar (Judicial) 1st April, 2024 (Pritam) CMP(M) No. 963 of 2022 in RSA No. 195 of 2021 AW-1 Statement of Ms. Maya Devi, Panchayat Secretary Gram Panchayat Jahu, aged about 57 years, District Hamirpur, Himachal Pradesh.

On Oath 01.04.2024 Stated that I have brought the death certificate.

As per the death certificate Shri Ram Krishan, had died on 09.04.2021. The death certificate has been produced in the Gram Panchayat Officer by the LRs of deceased Ram Krishan. The death certificate has been issued by BMO CH Bhoranj, District Hamirpur, which is Ex. AW- 1/A. I am working as Panchayat Secretary in Gram Panchayt Jahu since 2016. The Panchayat Secretaries of the Gram Panchayat in the State of Himachal Pradesh remained on strike from 29th July, 2023 to 10th September, 2023. I was also part of the strike during that period.

xxx xxx xxx Mr. Athrav Sharma, Advocate for the respondents.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 2nd April, 2024 (Pritam) CMP(M) No. 963 of 2022 in RSA No. 195 of 2021 AW-2 Statement of Dr. Prithi Chaudhary, aged about 38 years, CH Bhoranj, District Hamirpur, Himachal Pradesh.

On Oath 01.04.2024 Stated that I am working as Medical Officer at CH Bhoranj, since January, 2014. I have brought the medical record pertaining to Shri Ram Krishan. As per the record Shri Ram Krishan S/o Late Shri Ghanaiya was admitted at CH Bhoranj on 09.04.2021 at 9.30 p.m., and within fifteen minutes he stopped breathing and died. I personally attended him at CH Bhoranj, when he was brought to the hospital. Death certificate Ex. AW-1/ A, was issued by the Block Development Officer Bhoranj, since the death of the patient Ram Krishan had occurred in the hospital.

xxx xxx xxx Mr. Athrav Sharma, Advocate for the respondents.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 2nd April, 2024 (Pritam) CMP(M) No. 963 of 2022 in RSA No. 195 of 2021 02.04.2024 Present:-

Shri G.D. Verma, Senior Advocate with Shri Sumit, Advocate, for the applicants.

Shri Athrav Sharma, Advocate, for respondents No. 1 to 3.

None for respondent No.8.

Statement of Ms. Maya Devi and Dr. Prithi are recorded as AW-1 and Aw-2, respectively. As per the office report, Halqa Patwari, Patwar Circle Jahu, is duly served but not present today. Accordingly, notice under Order XV1 Rule XII CPC be sent to the said witness/Halqa Patwari.

Let fresh PF be filed within one week, thereafter the process for the service of AW mentioned at Sr. No.1, in the list of witness for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 2nd April, 2024 (Pritam) OMP No. 39 of 2023 in Arb. Case AW-1 Statement of Shri Ajay Gautam, S/o Late Shri R.K. Gautam, aged about 52 years, presently working as Chief Engineer, HPSEBL, North Zone, Dharamshala, District Kangra, Himachal Pradesh.

On Oath

03.04.2024 Stated that the Arbitrator had passed the award on 11.11.2022 and later the same was amended by the Arbitrator on 26.11.2022 and the copy of amended award was received in my office on 03.12.2022. The award was placed before BOD for approval as to whether the same was required to be challenged or to be accepted. On 03.03.2023, the approval of the BOD regarding challenging of the said award was received in my office. Thereafter, on 09.03.2023, the HPSEBL filed the objections before the Hon'ble High Court against the award. In the meanwhile, we tried to contact our legal counsel in the High Court but due to the prevailing winter vacation at that relevant time we could not contact him. The delay, if any, is neither intentional nor willful but due to the

aforementioned reasons.

xxx xxx xxx Shri J.S. Bhogal, Senior Advocate with Shri Satish Sharma, Advocate, for respondent.

It is correct in my office diary and dispatch Register is maintained properly. It is incorrect that whenever any communication or post is received in the office it is firstly kept as fresh receipt after the perusal of the officer. Self stated that whenever, any communication OMP No. 39 of 2023 in Arb. Case is received in the office firstly it is diarized in the diary and dispatch register and thereafter it is put before the concerned officer. I do not remember the actual date when the award of the Arbitrator was received in my office. It is incorrect that the award of the Arbitrator was received in my office on 29.11.2022. I am deposing today on the basis of office record. I have brought the official record pertaining to this case today. As per record my office has received the copy of the award of the Arbitrator on 03.12.2022. I do not remember the exact date on which the award was sent to BOD for approval. It is correct that the communication regarding sending of the award for approval of BOD is also maintained in our office record. It is correct that the record/communication regarding receiving of the approval of BOD is also maintained in our office. The then Executive Engineer of my office contacted the counsel at High Court after receiving of the approval of BOD. I have given verbal instruction to the then Executive Engineer to contact the counsel at High Court for assailing the award. I personally don't know that our counsel at High Court was available on phone. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd April, 2024 (Pritam) OMP No. 40 of 2023 in Arb. Case AW-1 Statement of Shri Ajay Gautam, S/o Late Shri R.K. Gautam, aged about 52 years, presently working as Chief Engineer, HPSEBL, North Zone, Dharamshala, District Kangra, Himachal Pradesh.

On Oath 03.04.2024 Stated that the Arbitrator had passed the award on 03.12.2022 and the award was placed before BOD for approval as to whether the same was required to be challenged or to be accepted. On 22.12.2022, the approval of the BOD regarding challenging of the said award was received in my office. Thereafter, on 22.03.2023, the HPSEBL filed the objections before the Hon'ble High Court against the award. In the meanwhile, we tried to contact our legal counsel in the High Court but due to the prevailing winter vacation at that relevant time we could not contact him. The delay, if any, is neither intentional nor willful but due to the aforementioned reasons.

xxx xxx xxx Shri J.S. Bhogal, Senior Advocate with Shri Satish Sharma, Advocate, for respondent.

It is correct in my office diary and dispatch Register is maintained properly. It is incorrect that whenever any communication or post is received in the office it is firstly kept as fresh receipt after the perusal of the officer. Self stated that whenever, any communication is received in the office firstly it is diarized in the diary and dispatch register and thereafter it is put before the concerned officer. I do not remember the actual date OMP No. 40 of 2023 in Arb. Case when the award of the Arbitrator was received in my office. I am deposing today on the basis of office record. I have brought the official record pertaining to this case today. As per record my office has received the copy of the award of the Arbitrator on 03.12.2022. I do not remember the exact date on which the

award was sent to BOD for approval. It is correct that the communication regarding sending of the award for approval of BOD is also maintained in our office record. It is correct that the record/communication regarding receiving of the approval of BOD is also maintained in our office. The then Executive Engineer of my office contacted the counsel at High Court after receiving of the approval of BOD. I have given verbal instruction to the then Executive Engineer to contact the counsel at High Court for assailing the award. I personally don't know that our counsel at High Court was available on phone. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd April, 2024 (Pritam) OMP No. 40 of 2023 in Arb. Case AW-1 Statement of Shri Dhananjay Sharma, Advocate, for the applicant.

Without Oath 03.04.2024 Stated that I close the evidence on behalf of the applicant since the list of witness has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd April, 2024 (Pritam) OMP No. 39 of 2023 in Arb. Case AW-1 Statement of Shri Dhananjay Sharma, Advocate, for the applicant.

Without Oath 03.04.2024 Stated that I close the evidence on behalf of the applicant since the list of witness has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd April, 2024 (Pritam) OMP No. 39 of 2023 in Arb. Case 03.04.2024 Present:-

Ms. Sunita Sharma, Senior Advocate with Shri Dhananjay Sharma, Advocate, for the applicant.

Shri J.S. Bhogal, Senior Advocate with Shri Satish Sharma, Advocate for the non-applicant/respondent.

Statement of Shri Ajay Gautam is recorded as AW-1. Learned counsel for the applicant vide his separate statement has close the evidence on behalf of applicant. Learned counsel for the respondents seeks time for adducing evidence on behalf of the respondent. However, learned counsel for the applicant has raise the objection that since the respondent has not filed any reply to the application, therefore, they cannot be allowed to adduce evidence, since the evidence, if any, led by the respondent will be beyond pleadings.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd April, 2024 (Pritam) OMP No. 40 of 2023 in Arb. Case 03.04.2024 Present:-

Ms. Sunita Sharma, Senior Advocate with Shri Dhananjay Sharma, Advocate, for the applicant.

Shri J.S. Bhogal, Senior Advocate with Shri Satish Sharma, Advocate for the non-applicant/respondent.

Statement of Shri Ajay Gautam is recorded as AW-1. Learned counsel for the applicant vide his separate statement has close the evidence on behalf of applicant. Learned counsel for the respondents seeks time for adducing evidence on behalf of the respondent. However, learned counsel for the applicant has raise the objection that since the respondent has not filed any reply to the application, therefore, they cannot be allowed to adduce evidence, since the evidence, if any, led by the respondent will be beyond pleadings.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 3rd April, 2024 (Pritam) CMP No. 13640 in RSA NO.481 of 2016 RW-3 Statement of Shri Subash Chand, S/o Shri Madan Lal, aged about 59 years, R/o Village and P.O Ludret The Dhera District Kangra H.P On Oath

04.04.2024 Stated that I have filed an appeal in the Hon'ble High Court against the order dated 8.6.2016 passed by the First Appellate Court, Kangra. In that case vide order dated 17.4.2017 the Hon'ble Court has directed the parties not to change the nature of the suit land and not to create any encumbrance over the suit land till the final disposal of the appeal. The Khasra No. of the suit land is 43 and

44. I have constructed toilet and bathroom on Khasra No. 42 and I have not raised any construction over the suit land having Khasra Nos. 43 and 44. I am owner in possession of the land comprising in Khasra Nos. 40,41 and 42. The land in dispute having Khasra Nos. 43 and 44 is adjacent to my land comprised in Khasra Nos. 40,41 and 42. I have not get my land demarcated any point of time self stated that all settlement operations had taken place in my presence, therefore, I am well aware about my land. I have not disobeyed the orders of the Hon'ble Court as I have raised the construction in my own land. I have made an application for demarcation before the Revenue Authorities but the respondent Suram Chand did not allow the Revenue Authorities to demarcate the land.

xxx xxx xxx Shri Mukul Sood Advocate, for respondent.

It is correct that my father Sh. Madan Lal is recorded as owner in possession of the Khasra Nos 40,41 and 42 in the Revenue Record. It is correct that the Courts' below have passed decree against me pertaining to Khasra No. 44/1 self stated that being aggrieved by the said decision I have assailed that decisions before Hon'ble High court. Self stated that I used to cultivate Kharsa No. 44/1 also. It is correct that on 14 th November 2021, I along with Parveen Kumar excavated the land with JCB self stated that I have excavated the land which is Khasra No. 42. I have not applied for the demarcation of the land before raising any construction. It is incorrect that when I was digging the land at that time respondent Suram Chand requested me not to dig the land. Self stated that after the digging the land Suram Chand raised the objection. I do not know Suram Chand made

complaints against me before Panchyat and Police Authority. I do not know that in my appeal the Court had given the direction to the Police authorities to visit the spot and stop the construction. Self stated that I got a telephonic information that they are visiting the spot on 16.04.2023. I do not know the location of photographs marked F-1,F-4,F-6 and mark-B. However, photographs marked F-5 and mark-A pertains to Khasra No. 42. I do not know subsequently vide the orders dated 17.3.2022 by the Hon'ble High Court the police along with the Revenue Authorities visited the spot and conducted the spot inspection as well as the land. I did not receive any notice from police or Revenue Authority for remaining present on the spot on 14.12.2021. I was not present on the spot on 14.12.2021 since I was not aware about the visiting of the Revenue Authorities along with Police Authority. It is correct that Ex.AW1/A bears my signatures in red circle- A. Self stated that the police officials took my signature on the said document Ex. AW1/A at police post Nagrota Suria. It is correct that on 14.12.2021 the construction apparent in photograph mark-A was incomplete. Now, I have laid the lintel on the structure raised by me in Khasra No.42. I do not know at the time of visiting of Police authorities or Revenue Sh. Ashwani Kumar was also present on the spot and he helped the revenue authority to demark the land. I have not placed on record any document from which could be inferred that the respondent Suram Chand is not allowing demarcation on the land. Self stated that I have given the said documents to my Counsel. It is incorrect that Panchyat Pardhan also visited the spot and advised me to stop the construction. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th April, 2024 (gaurav) CMP No. 13640 in RSA NO.481 of 2016 Statement of Shri Parav Sharma, Advocate for the appellant-respondent Without Oath 04.04.2024 Stated that I do not want to examine Sh. Ashwani Kumar being repetitive in nature and give him up. I also close the evidence on the behalf of respondent since the list of witnesses has been exhausted.

R0&AC

Paras Doger

Registrar (Judicial)

4th April, 2024  
(gaurav)  
04.04.2024

Present :-

Mr. Parav Sharma learned counsel for the appellant/non applicant.

Shri Mukul Sood, Advocate for applicant/ respondent No.1 Statement of Shri Subash Chand is recorded as RW-3. Learned counsel for the non-applicant vide his separate statement has given up the witness Sh. Ashwani Kumar and close the evidence on behalf of respondent.

Since, the evidence on behalf of the parties is complete, therefore, the case be listed before the Hon'ble Court for appropriate orders. .

Paras Doger Registrar (Judicial) 4th April, 2024 (gaurav) CMP No. 10773 of 2022 in RSA No. 633 of 2005 21.03.2024 Present:-

Shri Abhishek, Advocate, vice Ms. Rachna Kuthiala, Advocate, for the applicant.  
None for respondents.

As per office report, steps i.e. PF, list of witnesses and road and diet money have not been deposited. Learned vice counsel for the applicant-

appellant seeks time for doing the needful.

Let steps be taken within fifteen days, thereafter the process be issued for the service of AWs returnable for 23.05.2024.

Paras Doger Registrar (Judicial) 21th March, 2024 (Pritam) 05.04.2024 Present:-

Shri Amit Sharma, Advocate, for the plaintiff.

Shri H.S. Upadhayaya, Advocate, for the defendants.

As per office report, PW-3, Shri Vikas Jain was required to be produced on self responsibility for the purpose of his cross examination. Learned counsel for the plaintiff submits that due to some Court case at Delhi, he could not come to Shimla for his cross examination. The perusal of case file shows that cross examination of the said witness is deferred in the year 2019 and thereafter, on one pretext to the other, he is not coming to the Court for his cross examination. One last opportunity is granted for his cross examination and it is made clear that in the event of non-appearing on the next date of hearing, the matter will be listed before the Hon'ble Court for appropriate orders.

Let the case be listed before Additional Registrar (Judicial) for fixing the next date for the cross examination PW-3 (Vikas Jain).

Paras Doger Registrar (Judicial) 5th March, 2024 (Pritam) 06.04.2024 Present:

Shri Abhishek Manu Singhvi (Petitioner in person) alongwith Shri Neeraj Gupta, Senior Advocate with Shri Aman Panwar and Shri Ajeet Jaswal, Advocates.

The petition and its accompanying documents have been scrutinized under my personal supervision and the same are found to be in order. The petition is also accompanying the receipt of security costs and the same is annexed with the petition. The petition is also within limitation. Be processed further as per Rules.

Paras Doger Registrar (Judicial) 6th April, 2024 (Pritam) CMP(M) No. 1244 of 2022 in RSA 08.04.2024 Present:-



Ms. Urvashi Rajta, Advocate, vice Shri Tara Singh Chauhan, Advocate, for the applicants.

Shri Harsh Kalta, Advocate, vice Shri Tejasvi Dogra, Advocate, for the respondents No. 1,2 and 4 to 6.

As per office report, the witnesses are required to be produced on self responsibility by the applicants. As per order dated 11.01.2024, of the Hon'ble Court, the matter was listed on 04.03.2024, for fixing the date of evidence for today.

Learned vice counsel for the applicants submits that the witnesses are not present today and she seeks adjournment for today.

Since, the witnesses are required to be produced by the applicants on self responsibility for today but due to non-appearance of the witnesses they could not be examined. No cogent reason has been assigned by the learned vice counsel for the non-appearance of the witnesses today.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 8th April, 2024 (Pritam) 09.04.2024 Present:-

Shri Kshitij Thakur, Advocate, vice Shri N.S. Chandel, Advocate, for the plaintiff.

Ms. Ritu Singh, vice counsel for defendant No. 1 and 2.

Shri Tarun Bragta, Advocate, vice Shri Ajay Sharma, Advocate, for the defendants No. 3 to Defendant No.7 already ex-parte.

The plaintiff was required to be produced on self responsibility today for his evidence. However, learned counsel for the plaintiff submits that he is not present today due to some health problem. No medical prescription or any other certificate has been placed on record by the learned vice counsel for the plaintiff.

Two opportunities have already been granted for the plaintiff's evidence but he did not put appearance for adducing his evidence.

Accordingly, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 9th April, 2024 (Pritam) PW-4 Statement of Shri Subhash Chauhan, S/o Late Shri Balak Ram Chauhan, aged about 45 years, R/o Village Pajol, P.O Devgarh, Tehsil Kotkhai, District Shimla, H.P. On Oath 19.04.2024 Stated that I am dealing in fruit business since 2016-2017. The defendants are known to me from the last 10 years since they also deal in the fruit and vegetable business. I have forwarded the consignment of my apple crop to the defendants

from 14.08.2018 to 06.10.2018 through transporter Shri Deepak Saini. Shri Deepak Saini is owner of Vishal Haryana Freight Carrier. The consignment was used to be initiated from Parwanoo and the same was sent to the different locations of the defendant-company through bilty issued by the transporter. I have forwarded the apple crop to the defendant-company amounting to Rs. 4,30,07,201/- (Rs. Four crore thirty lacs seven thousand and two hundred one only). Out of the total above stated amount the defendant company had paid me an amount of Rs.2,49,50,000/- through Bank transaction, copy of the Bank Statement is Ex. PW-2/A and the balance amount of Rs.1,80,57,201 is still outstanding. Whatever consignment was sent by me to the defendant-company, I have maintained the accounts for that. The daily business register maintained by me is Ex. PW-4/A (79 leaves). I use to forward the daily consignment bills to the defendant No.2 through whatsapp. The whatsapp No. of defendant No.2 is 98100- 58021. Defendant No.2 used to respond my whatsapp message and used to send the details of the daily business transaction done by him to me. The details of the whatsapp chat is Ex.PW-4/B (41 leaves). Objected to on the mode of proof. Since the outstanding payment was not paid by the defendants then I personally met three-four times with defendant No.2 but he did not pay any heed regarding payment of the outstanding amount. However, offered me to settle the case either by going to the Court or accept only 20 to 30% amount of the outstanding payment or to use the mussel power. Therefore, I preferred to come to the Court for my grievances against defendants. Before I started to conduct the business with the defendant, the defendant No.2 alongwith his son Shri Deepak (son of defendant No.2) and Shri Dheeraj (nephew of defendant No.2) assured me that I will never face any problem in the business or regarding any payment. I have also made a complaint to Chairman APMC, Azadpur Delhi which is Ex. PW-1/A & Ex. PW-1/B. I could not pursue the above said complaints at Delhi due to CORONA pandemic at that time. Since the defendants have not paid my outstanding amount till date for which I am entitled for.

xxx xxx xxx Shri Ravinder Malik Advocate, for defendants.

I am not a orchardist, I am working as forwarding agent. I am dealing with the defendant- company since 2016-2017. I met defendant No.2 at Chandigarh at Sector-26, since he used to work at Chandigarh. Shri Bhagwan Dass is having two-three companies in the name of BXN and DW International. I do not know the other companies owned by defendant No.2. The defendant No.1 is a proprietor ship firm. Again stated that I do not properly know about the status of the defendant No.1 whether it is a company or proprietor ship firm. The orders were placed by the defendants through phone. Defendant No.2 used to place the order through telephonic calls. No written order in the form of whatsapp message or text message were placed by the defendants. The rate of the consignment was negotiated through telephonic call and the idea of the rate of consignment was used to be proposed by defendant No.2. The bills Ex.PW4/A ( leaves) were prepared by the person deputed by defendant No.2. It is correct that I have not prepared any of the above said bills. It is correct that the above said bills do not bear my signature. Ex. PW4/B are the printouts of the whatsapp message taken out from whatsapp web. I have taken the printouts of Ex. PW4/B in a cyber café. I do not remember the name of that cyber café. I have not annexed any certificate under Section 65 B regarding the authenticity of the printouts of the bills Ex. PW4/B. It is wrong to suggest that the bills Ex. PW4/B are forged and fabricated. Shri Deepak Saini (transporter) is known to me from the last 5-6 years. Whenever the consignment was sent through transport I did not use to

collect the bilties. Self stated that the bilties of the consignment were collected by me from the transporter collectively at the end of the season. Transporter Deepak Saini was also known to defendant No.2. It is correct that the main office of defendant No.2 is/was at Azadpur Mandi, Delhi. I have visited his office at Azadpur Mandi, Delhi only when I did not receive the outstanding amount of my consignment. It is correct that there is signature of Shri Bhagwan Dass, Deepak and Dheeraj on the Bilties Mark P-1 to P-83. I do not know whenever any consignment is sent any bill/invoice is generated/prepared or not. Self stated that I use to do the business with the defendants on mutual faith and I have sent the bills through whatsapp to him which has been annexed with my suit. The defendants did not use to send any confirmation regarding arrival of the consignment however, whenever, there was any complaint regarding the consigned material only then they use to talk to me. It is incorrect that the defendant did not send any confirmation in writing because I never sent any material/consignment to him. I use to purchase the apple crop from Parwanoo Mandi for the consignment. Self stated that I have made the payments to the persons through their Bank Accounts from whom I had purchased the apple crop for consigning the same. It is correct that I have not annexed any proof regarding the payments which I had made to the Parwanoo Mandi merchants. I have personal knowledge that BXN and DW International are the companies owned by defendant No.2. It is incorrect that the above said companies are not owned by defendant No.2. I use to deliver the consignments to the employees of the defendant No.2 at Parwanoo Mandi and they use to send the consignment to different locations of the defendant No.1-company. It is incorrect that the employees of the defendant use to engage the services of the transporter. Self stated that I also use to hire the services of transporter. It is correct that whenever the transporter use to take the material from the Market Committee a gate pass/receipt is generated and also the gate pass is generated at the place of destination. I do not know that the gate passes are generated all over India wherever the transporters delivers the consignments. It is wrong to suggest that I have not sent any consignments to the defendants. It is incorrect that Shri Bhagwan Dass defendant No.2 had given an amount of Rs.2,50,10,000/- to me on account of loan taken by me from him. It is correct that the date and time on the printouts of the bills Ex. PW4/B, is same. Self stated that all the printouts have been taken on the same day. I did not use to maintained any ledger. I have not placed on record the original bilties. Self stated that the original bilties have already been taken by the employees of the defendants to Delhi. It is wrong to suggest that no such bilties have been taken by the defendants. I did not pursue the complaint Ex.PW1/A and Ex. PW1/B, as I could not go to Delhi. It is incorrect that I did not pursue the above said complaints since they are false complaints against the defendants. It is wrong to suggest that I have filed the present suit falsely against the defendants in order to evade my liability of my loan, which had been taken by me from the defendants. It is incorrect that I am deposing false. It is incorrect that there is no outstanding amount due to me from the defendants or any interest thereupon.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 19th April, 2024 (gaurav) Statement of Shri Subhash Chauhan (Plaintiff), S/o Late Shri Balak Ram Chauhan, aged about 45 years, R/o Village Pajol, P.O Devgarh, Tehsil Kotkhair, District Shimla, H.P. On Oath 19.04.2024 Stated that I close the plaintiff's evidence since the list of witnesses has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 19th April, 2024 (gaurav) 19.04.2024 Present:-

Shri P.P. Chauhan, Tara Devi and Shikha Rajta, Advocates, for the plaintiff.

Shri Ravinder Malik, Advocate with Shri Shivanshu Attri, Advocate for the defendants.

Statement of the plaintiff is recorded as PW-4. Plaintiff vide his separate statement has close the plaintiff evidence.

Learned counsel for the defendants seeks time for DWs. Let the steps, if any, be taken within fifteen days, thereafter, the process be issued for the service of DWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 19th April, 2024 (Pritam) 22.04.2023 Present:-

None for the petitioner.

Ms. Swati Verma with Ms. Srishti Verma, Advocates, for the respondents.

In terms of the previous order dated 28.03.2024, the verification of Bank guarantee furnished by the respondents was sent for.

As per the office report, verification letter of Bank Guarantee has been received from the State Bank of India, Commercial Branch, Sector-17B, Chandigarh. However, as per order dated 11.01.2024, passed by the Hon'ble Court, the respondents have to specifically give the undertaking that in case non-applicant-petitioner succeed in the matter, the applicant-respondent shall deposit the amount released in his favour alongwith interest accrued thereon, but the undertaking as directed by the Hon'ble Court has not been furnished by the respondents.

Learned vice counsel for the respondents seeks time for doing the needful.

Accordingly, the case be listed after the above said undertaking will be furnished by the respondents.

Paras Doger Registrar (Judicial) 22nd April, 2022 (Pritam) 22.04.2023 Present:-

Shri Ashok Sood, Senior Advocate with Shri Khem Raj, Advocate for the plaintiff.  
Defendants No. 1 to 3 already ex-parte.

Shri Mukul Sood, Advocate, for defendants No. 4 to 6.

Shri Dalip Narwal, Tax Inspector from the Office of Municipal Corporation, Shimla and Ms. Renu Sharma, Record Keeper, New Judicial Record Room, Office of District and Sessions Judge, Shimla, are present. Both the witnesses have submitted that since the requisitioned record pertains to the year 1952 and 1963 respectively, therefore, it could not be traced out within the short span and both the witnesses

requested some more time be given for tracing the requisitioned record. Since, both the witnesses have not brought the requisitioned record, therefore, they are discharged for today.

One more witness Shri Nishant Pathania, Civil Ahlmad, Office of Senior Civil Judge, Court No.2, Shimla, is also present with the requisitioned record. However, learned counsel for the defendants submits that before examining this witness, he is required to inspect the record of the District Court brought by this witness. Therefore, learned counsel prayed that this witness may also be discharged for today.

Accordingly, due to the non-availability of the requisitioned record and on the request of learned counsel for defendants No. 4 to 6, the witnesses present today are discharged.

Let fresh PF and diet money be filed by the defendants No. 4 to 6, within three weeks and thereafter, the matter be listed for remaining DWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 22nd April, 2022 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 RW-1 Statement of Shri Sanjeev Kumar, S/o Shri Devi Singh, aged 46 years House No. 204/12, Ramnagar, Mandi,. District Mandi, Himachal Pradesh.

On Oath 24.04.2024 Shri Devi Singh (Appellant) is my father and I am the Special Power of Attorney holder of Shri Devi Singh. He has authorized me to adduce evidence in the present case, vide Special Power of Attorney Ex.

RW-1/A, (original seen and returned), since he is more than 80 years old and is unable to travel due to his ill health. I am fully conversant with the entire facts of the present case. My father Shri Devi Singh has filed an appeal in this High Court. Vide order dated 17.04.2017, the Hon'ble Court has directed the parties to this lis to maintain status quo qua nature and possession of the suit land and vide order dated 11.07.2017, the said order was made absolute by the Hon'ble Court. The construction had been raised on the disputed land by my father in August 2008 by engaging a contractor namely Shri Netar Singh. My father had raised twelve pillars and laid a lintel over the said pillars and further raised those twelve pillars on the first floor in the year 2008. There are three shops covered with shutter in the ground floor. No other construction has been raised by us after the year 2008. My father has not breached the order of the Hon'ble High Court and we have not raised any further construction after the passing of the above said orders by the Hon'ble Court.

CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 xxx xxx xxx Shri Roop Lal Chaudhary, Advocate for applicant/respondent No.4 It is correct that photographs Mark A-1 and A-2 are the shops including house of my father as visible in the photographs. Self stated that the house has been constructed by my forefathers in the year 1987, which is upon Khasra No. 45. It is correct that the construction shown in the photographs Mark A-1 and A-2, were raised by my father prior to the

passing of the status quo order by this Hon'ble Court. It is correct that the shops apparent in photograph Mark A-5, belongs to my father. It is correct that the pillars on the first floor are also apparent on the photograph Mark A-5. It is incorrect that the pillars on the first floor has been raised by us in the month of October, 2022. It is incorrect that in the old constriction there were no pillars on the first floor. It is incorrect that my father has intentionally disobeyed the status quo order passed by the High Court. I do not know that Shri Ashok Kumar, respondent No.4 had made a police complaint in the year 2022, regarding the illegal construction raised by my father in that year. It is incorrect that after the complaint of Shri Ashok Kumar police visited the spot and requested my father not to raise the further construction on the first floor. It is incorrect that I am deposing false. R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th April, 2024 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 RW-2 Statement of Shri Raj Kumar, S/o Late Shri Hadu Ram, aged 45 years Village Bohi, P.O. Sehali, Tehsil Sadar, District Mandi, Himachal Pradesh.

On Oath 24.04.2024 I am meson by occupation. I have worked as meson in the year 2008 for raising the construction of non-applicant shops. I was engaged as Meson through contractor Shri Netar Singh. We have raised twelve pillars in the ground floor and laid one lintel and thereafter raised further twelve on the first floor at that time. Thereafter no construction has been raised by Shri Devi Ram as I use to pass by the spot and as of date no further construction has been raised by Shri Devi Singh.

xxx xxx xxx Shri Roop Lal Chaudhary, Advocate for applicant/respondent No.4 It is correct that the construction apparent on photographs Mark-3 and Mark-4 is the same which was raised by me as Meson. It is incorrect that no other construction was raised by me thereafter. Self stated that I have raised twelve pillars on the said construction thereafter in the year 2008. I do not know after the stay order from the High Court Shri Devi Singh appellant/non- applicant has raised three pillars in October 2022 by breaching the order of the Hon'ble High Court. I have seen three pillars as visible in photograph Mark-5, as the same has been raised by me in the year 2008. It is CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 incorrect that the three pillars in the photograph Mark-5 were raised by the appellant in October, 2022. My house is about 10-12 Kms., away from the house of Shri Devi Ram appellant. It is incorrect that I am deposing false today that the three pillars as visible in photographs Mark-5 had been raised by me in the year 2008. I do not know that Shri Ashok Kumar, respondent No.4 had made a complaint to the police in October, 2022. It is incorrect that Shri Devi Ram appellant is in my relation. It is incorrect that I am deposing false since I am in relation to him. It is incorrect that son of Devi Ram has brought me to Shimla for adducing evidence. Self stated that I have received the Court summon, however, I have to come alongwith him.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th April, 2024 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 RW-3 Statement of Shri Suresh Kumar, S/o Shri Gokal Chand, aged 52 years Muhalla Chhadyara, Village Pulgharat, P.O. Gutkar, Tehsil Sadar, District Mandi, Himachal Pradesh.

On Oath 24.04.2024 Appellant Devi Singh is my neighbor and we share the boundaries of our land. Shri Devi Singh had raised three shops opposite to my shops. Shri Devi Singh had constructed the shops and pillars in the first floor in the year 2008. After 2008, Shri Devi Singh did not raise any

construction over the said land or the already raised construction.

xxx xxx xxx Shri Roop Lal Chaudhary, Advocate for applicant/respondent No.4 Shri Devi Singh and Ms. Tara Devi are real brother and sister and both are my neighbors. Now Ms. Tara Devi has expired. It is correct that the shops visible in photographs Mark A-1 and A-2 belongs to Shri Devi Singh. It is correct that there is no pillars in the photographs Mark A-1 and A-2. Self stated that there are pillars on the said shop. I do not know how the photographer has clicked the photographs by disappearing the pillars in the photographs. It is incorrect that the three pillars as apparent in photograph Mark-5 has been raised by Shri Devi Ram in the year October, 2022. It is incorrect that in October, 2022, Shri Ashok Kumar requested Shri Devi Singh not to raise any further CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 construction. It is incorrect that Shri Ashok Kumar made a complaint to the police in October, 2022 and thereafter the police visited the spot. Self stated that police never visited the spot in my presence. It is incorrect that I am deposing false today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th April, 2024 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 23.04.2023 Present:-

Shri Mukul Sood, Advocate, for the non- applicant/appellant.

Shri Roop Lal Chaudhary, Advocate, for the respondent No.4.

\ Statement of Shri Sanjeev Kumar, Shri Raj Kumar and Shri Suresh Kumar, are recorded as RW-1, RW- 2, and RW-3, respectively. Let the remaining sole witness be summoned for the date to be fixed by the Additional Registrar (Judicial Paras Doger Registrar (Judicial) 23rd April, 2022 (Pritam) PW-1 Statement of Shri Bal Krishan, S/o Late Shri Bal Mukand Das, aged 58 years, presently working as SWOA Punjab National Bank, Parwanoo, District Solan, Himachal Pradesh.

On Oath

24.04.2024 Stated that I am working as Single Window Operator, Punjab National Bank Parwanoo for the last one year. I have brought the requisitioned record, which has been handed over to me by the Manager of the Bank. I am not aware whether the record sent by the Manager is original or not. I have come to the Court today on the direction of the Manager.

Since the witness is not aware about the authenticity of the documents brought by him today, therefore, learned counsel for the plaintiff submits that he be discharged and the concerned person be summoned.

Accordingly, the witness is discharged for today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th April, 2024 24.04.2023 Present:-

Shri Dushyant Dadwal, Advocate, for the plaintiff.

Shri Atul Jhingan, Advocate, for the defendant.

Shri Bal Krishan, SWOA, Punjab National Bank, Sector-I, Parwanoo, District Solan, H.P., is present today. The witness has brought some documents as requisitioned in the summon, however, as per the witness he is not aware whether the documents sent by the Manager are original/authenticated or not.

In that eventuality, learned counsel for the plaintiff submits that witness could not be examined and the documents already placed on record could not be proved in accordance with law by this witness.

Accordingly, the witness present today is discharged. Learned counsel for the plaintiff has submitted that he is about to move an application under Order XVIII Rule 3A CPC today itself for exemption of examining the plaintiff at the first instance.

Let the said application be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 24th April, 2022 (Pritam)

25.04.2024 Present:-

Shri Manoj Sharma, Advocate vice Shri Peeyush Verma, Advocate, for the plaintiff.

None for defendants No. 1 to 3.

As per office report, summons issued to PW-1, has not been received back either served or un-served. Learned vice counsel for the plaintiff's submits that the plaintiff is also not present today for adducing his evidence. He seeks time for PWs.

Let the plaintiff be produced on self responsibility and PW-1, be summoned again on old PF for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 25th April, 2024 (Pritam) OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 RW-1 Statement of Shri Karam Chand, S/o Shri Devi Dass, aged 40 years, R/o Village Summa, P.O. Dugilag, Tehsil & District Kullu, Himachal Pradesh.

On Oath 29.04.2024 Stated that I am working as Helper in Usaka Hydro Power Project at Kullu, Himachal Pradesh, since 2011. Since the date of my employment at Usaka Hydro Power Project, I consistently seen all types of vehicles are plying on the road which leads to Usaka Power Project from the main road.

xxx xxx xxx Shri Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate.



My house is about 500 mtrs. away from Usaka Hydro Project. I do not know the Khasra numbers from where the road lead to Usaka Hydro Power Project from main road. The main road leads from Kullu to Lag valley. I have received the summons from the Court for my appearance in the Court today for adducing evidence. Usaka Hydro Project had issued me appointment letter for my employment. I have not brought the appointment letter today, however, identity card issued by the said Project is with me today, which is shown and returned. It is correct that I have nothing to do with Gaur Hydro Power Project. It is incorrect that there is no road to the Usaka Hydro Project since 2011 from the main road. It is incorrect that I am deposing false today on the asking of OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 the management of the Usaka Hydro Power Project, Kullu, H.P. xxx xxx xxx Shri Mukul Sood, Advocate for non-applicant-appellants.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 29th April, 2024 (Pritam) OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 RW-2 Statement of Shri Guddu Ram, S/o Shri Surat Ram, aged 34 years, R/o Village Summa, P.O. Dugilag, Tehsil & District Kullu, Himachal Pradesh.

On Oath 29.04.2024 Stated that I am Driver by occupation and employed in Usaka Hydro Power Project. I have seen the road which leads to Usaka Hydro Project since my joining in the said Project i.e. 2011. I am plying the vehicle till date on that road.

xxx xxx xxx Shri Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate.

The above said road leads from Power House to the site where there is outlet of the water from the Power Project. It is correct that there is Khad in between the Power House and the road. I do not know when the Bridge apparent in photograph Mark A-4 was built. It is correct that I have come to the Court today along with Shri Jhabe Ram. It is correct that we were brought to the Court today by Shri Varun General Manager of the Usaka Power Project. I do not know the Khasra Numbers of the road, which have been mentioned above by me. It is incorrect that I am deposing false today on the asking of General Manager of the Usaka Power Project.

xxx xxx xxx Shri Mukul Sood, Advocate for non-applicant-appellants.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 29th April, 2024 (Pritam) OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 Statement of Shri Ajay Vaidya, Advocate, for respondents No. 4 and 5.

Without Oath 29.04.2024 Stated that I give up rest of the witnesses mentioned in the list of witnesses being repetitive in nature.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 29th April, 2024 (Pritam) OMP(M) No. 42 of 2016 in RSa No. 4272 of 2013 25.04.2024 Present:-

Shri Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the applicants.

Shri Mukul Sood, Advocate, vice Shri Sanjeev Sood, Advocate, for the non-applicants-appellants.

Shri Ajay Vaidya, Advocate, for respondents No. 4 and 5.

Statement of Shri Karam Chand and Shri Guddu Ram are recorded as RW-1 and RW-2, respectively. Vide separate statement Shri Ajay Vaidya, learned counsel for respondents No. 4 and 5 has given up rest of the witnesses mentioned in their list of witnesses. Learned counsel for the non-applicants/appellants submits that they have already filed the list of witnesses and diet money.

Let the witnesses of the non-applicant-appellants be summoned for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 25th April, 2024 (Pritam) 30.04.2024 Present: None for the petitioner.

Shri Parmod Singh Thakur, Advocate, for the respondent.

In compliance to the order dated 27.03.2024, the applicant-respondent has furnished the Bank Guarantee to the tune of Rs. 15,00,000/- (Rs. Fifteen lacs), which is shown to be valid upto 08.05.2025, duly issued by the State Bank of India, Sector-68, Mohali, Punjab.

Let the verification be sought from the concerned Bank and thereafter the matter be again listed before the undersigned.

Paras Doger Registrar (Judicial) 30th April, 2024 (Pritam) 30.04.2024 Present: Shri Goldy Dhiman, Advocate, for the applicant-

appellant Shri Sanjay Jaswal, Advocate, for the non- applicant-respondent.

As per the previous order dated 06.03.2024, the applicant was required to be produced on self responsibility. However, learned counsel for the applicant-appellant submits that he could not come to the Court today due to his ill health. Order dated 02.01.2024, further reveals that the applicant has taken adjournment on account of the winter season.

It appears that the applicant is intentionally and willing not coming to the Court on one pretext or the other for adducing his evidence.

Learned counsel for the applicant submits that the applicant will be produced positively on the next date of hearing for adducing his evidence.

Let the case be listed on 01.07.2024.

Paras Doger Registrar (Judicial) 30th April, 2024 (Pritam) Election Petition No. 1 of 2023 30.04.2024 Present: Shri R.K. Sharma, Senior Advocate, with Ms. Vidushi Sharma, Advocate, for the petitioner.

Shri Sanjeev Bhushan, Senior Advocate with Shri Shagun Sharma, Advocate for respondent No.1.

Respondents No. 2 to 4 already ex-parte.

Respondent No.5, already deleted vide order dated 11.10.2023 of the Hon'ble Court.

Admission and denial of the documents filed by respondent No.1, has been done by the petitioner.

Learned Senior Counsel for respondent No.1, submits that the original counsel is out of station on account of his marriage and he seeks adjournment for today for admission and denial of the documents filed by the petitioner.

Let the case be listed on 14.05.2024, for admission and denial of the documents filed by the petitioner.

Paras Doger Registrar (Judicial) 30th April, 2024 (Pritam) 01.05.2024 Present: Shri Mukul Sood, Advocate, for the plaintiff.

Shri Romesh Verma, Senior Advocate with Shri Digvijay Singh, Advocate, for the defendant No.1 Defendant No.2 already ex-parte.

Two witnesses Shri Vishal Sandhu, Manager Punjab National Bank Gagret, District Una and Shri Amit Verma, Manager State Bank of India, Branch Gagret, District Una, are present. Learned counsel for the plaintiff submits that these witnesses have not brought the entire requisitioned record, therefore, due to the non-availability of entire record they could not be examined. Learned counsel requested for discharge of these witnesses for today.

Accordingly, the witnesses present today are discharged. Learned counsel further submits that he wants to bring on record certain documents and he will move the appropriate application in that regard.

Let the case be listed before the Hon'ble Court after filing the application by the plaintiff.

Paras Doger Registrar (Judicial) 1st May, 2024 (Pritam) PW-1 Statement of Shri Manoj Kumar Upreti, S/o Shri Mohan Chand Upreti, aged 59 years, presently posted as Director (Operation), H.P.S.E.B.L., Kumar House, Shimla, Himachal Pradesh.

On Oath 02.05.2024 Stated that I am working with H.P.S.E.B.L. since 1989. The present suit has been drafted and filed under my instructions. I have been duly authorized by the Board of Directors of HPSEBL to file and depose in the present case. The authority letters is Ex. PW-1/A (seven leaves). The plaintiff is a government company registered under the Companies Act and is a distribution license under the Electricity Act 2003 and is a license authorize to operate and maintain a distribution system for supplying electricity to the customers in the State of Himachal Pradesh. The defendant No.1-Company applied for the electricity connection in their favour vide application and Agreement Form No. 1307 on 01.02.2006, Ex.PW-1/B (three leaves). and on the application cum agreement of the defendant No.1-company, the plaintiff vide order dated 20.12.2006 Ex. PW-1/C, release the service connection in favour of defendant No.1. The defendant No.1 use to pay the Electricity Bills regularly till April, 2014 but thereafter started to make lapses in the payment of the Electricity Bills. For the consumption of the Electricity Bill for the month of April the bill was raised in the month of April by the plaintiff which is Ex.PW-1/D-1. But that the entire Bill was not paid by the defendant No.1-company. The plaintiff use to issue the bills for the subsequent months up till 12.10.2015, to the defendant-company which are Ex. PW-1/D-2, to Ex.PW-1/D-18. Due to the non-payment of the arrears of the Electricity Bills by the defendant No.1-company on 12.10.2015, the disconnection order was issued and the Electricity Meter of the defendant No.1-company was temporarily disconnected. The copy of the disconnection order is Ex. PW-1/E. Subsequent to the disconnection order Ex,.PW-1/E, the defendant No.1- company deposited an amount of Rs. 50,00,000/- with the plaintiff-company and the same adjusted qua the arrears of the Electricity Bills of the defendant No.1-company. Since the defendant No.1-company has not deposited the entire arrears and recurring bills, therefore, permanent disconnection order was passed on 12.04.2016, and the supply of the defendant-company was disconnected w.e.f. 18.04.2016. The copy of permanent disconnection order is Ex. PW-1/F. The recurring bills even after the permanent disconnection were issued to the defendant No.1-companhy, which are Ex.PW-1/G-1 to Ex. PW-1/G-6. Since the subsequent bills were also not paid by the defendant-company, therefore, the plaintiff adjusted the security amount of Rs.60,00,000/- towards the arrears of the electricity bills of the defendant-company. Even after the adjustment of Rs. 60,00,000/- an amount of Rs.1,61,52,597/- remained outstanding. Due to the non- payment of the outstanding amount the plaintiff was constrained to file the present suit for the recovery of the above said outstanding amount.

xxx xxx xxx Shri Rahul Singh Verma, Advocate for the defendants No. 1,3 and 4.

It is correct that the copy of the authority letter Ex PW-1/A, is not a certified by any authority. Self stated that the said letter is available on the website of HPSEBL. The authority letter is issued in favour of an employee by designation in general for all cases. The electricity bills are calculated on the basis of tariff duly approved by the H.P. State Electricity Regulatory Commission. I am not aware that the defendant No.1-company had given one application qua the correction of electricity bills because the same were raised on the exaggerated amount. I am not aware that the defendant No.1-company has gone into liquidation and wound up. I am also not aware that due to winding up proceeding of the drfendant No.1-company, Vijay Bank ceased the entire property of the defendant No.1-Company from 2018. It is incorrect that due to permanent disconnection of the electricity connection of the defendant company the production was completely stopped in the

defendant-company due to which the company suffered huge monetary losses. It is incorrect that the calculated outstanding amount is without any basis. It is incorrect that even after the adjustment of the security amount, the defendant No.1-company use to pay the outstanding bills through RTGS/NEFT. Self stated that any amount which has been paid by the defendant No-1- company has duly been adjusted prior to the filing of the present suit. It is incorrect that the amount claimed in the present suit is wrong. I am not aware that even after the permanent disconnection of electricity connection the defendant No1-company vide letter dated 25.07.2016, made a request to the plaintiff for allowing them to pay the outstanding electricity dues in equal installments as well as for the restoration of power supply. Self stated that till the entire outstanding amount is paid, the electricity connection could not be restored. The restoration of the electricity connection is done as per the procedure laid down by the plaintiff-company. It is incorrect that I am deposing false. It is incorrect that the amount claimed by the plaintiff is without any basis.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 2nd May, 2024 (Pritam) 02.05.2024 Present: Ms. Sunita Sharma, Senior Advocate with Shri. Dhananjay Sharma and Shri Vivek Thakur, Advocates for the plaintiff.

Shri Rahul Singh Verma, Advocate, for defendants No. 1,3 and 4.

Defendants No. 2 and 5 already ex-parte.

Power of Attorney on behalf of the plaintiff has been filed by Shri Dhananjai Sharma and Shri Vivek Thakur, Advocates, which is taken on record. Shri Manoj Kumar Upreti (Plaintiff) was produced on self responsibility today and is examined as PW-1. As per office report, list of witnesses has not been filed. Learned counsel for the plaintiff seeks time for taking steps for examination of the other witnesses.

Let the steps, if any, be taken within fifteen days, thereafter, the process be issued for the service of remaining PWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 2nd May, 2024 (Pritam) 03.05.2024 Present: Shri Varun Chauhan, vice counsel for the plaintiff.

Ms. Urvashi Rajta, Advocate vice Shri Tara Singh Chauhan, Advocate for defendant No.1.

None for defendant No.2 Ms. Anjana learned vice counsel for defendant No.3.

Learned vice counsel for the plaintiff submits that due to ill health, the plaintiff could not come to the Court for adducing his evidence. Learned vice counsel for the plaintiff has also placed on record the prescription slip, which is taken on record. Learned vice counsel for the plaintiff seeks adjournment for today. The adjournment sought on the said ground is allowed as not opposed.

Let the plaintiff be produce on self responsibility on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 3rd May, 2024 (Pritam) PW-1 Statement of Shri P.S. Attli, aged 67 years, Superintending Engineer (Retd.) R/o House No. 4999, Sector 68, Pancham Society, Mohali, Punjab.

On Oath 06.05.2024 Stated that I have retired as Superintending Engineer from the HPSEBL, in June, 2014. The present suit has been filed by me on behalf of the plaintiff- company. I was duly authorized by the plaintiff-company, vide Authority Letter Ex. PW-1/A (four leaves) to file the present suit and vide Sales Manual instruction Ex. PW- 1/B, I was duly authorized by designation to sign attest and authenticate the present plaint. I have also been duly authorized by the Board of Directors vide office order Ex.PW-1/C, to adduce evidence on behalf of the plaintiff- company. At the time of the filing of the present Civil Suit, I was posted as Superintending Engineer (Operation Circle), Una District Una, Himachal Pradesh. The plaintiff company is in distribution licensee under the Electricity Act 2003 and is a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in the State of Himachal Pradesh. The defendant-company had started its operation at Industrial Unit at Village Tibbi, P.O. Kalaruhi, Tehsil Amb, District Una and obtained electricity connection from plaintiff-company to start its Industrial Unit after entering into the agreement with the plaintiff-company. In February, 2010, the defendant-company started to make defaults in the payments of the electricity bills, consequently, the electricity supply of the defendant- company was disconnected. Thereafter, on the request of the defendant-company, vide letter dated 09.03.2011, Mark `A', wrote a letter to the Chief Engineer (Commercial) HPSEBL, for grant of permission for six installments of outstanding amount of Rs.53,82,655/- of the defendant-company. On the payment of the first installments by the defendant-company, the electricity connection was restored. The connected load of the defendant-company was 5450 KW. Thereafter, the defendant-company requested the Chief Engineer (Commercial) HPSEBL to reduce the load from 5450 KW to 50 KVA. Thereafter, on the request of the defendant- company, the load of was reduced. Even after the payment of first installment of the electricity bill the defendant-company again made a default in the payments of the electricity bills. Thereafter, the the plaintiff- company decided to revoke the Bank Guarantee furnished by the defendant-company. Thereafter, the defendant- company preferred to assail the orders, of the Board regarding revocation of the Bank Guarantee before the District Consumer Forum, Una. The District Consumer Forum Una granted the stay to the defendant-company. However, the Consumer complaint filed by the defendant- company was ultimately dismissed. Accordingly, the Bank Guarantee furnished by the defendant-company was revoked by the defendant-company. Thereafter, the defendant-company field another complaint before Forum for Redressal of Grievances of HPSEBL Consumers (FRGC) and in that complaint FRGC, directed the plaintiff-company to restore the electricity connection of the defendant-company subject to the payment of the charges for the new connection as well as 15% Infrastructure Development Charges (IDC) of the already deposited IDC charges. The copy of the re-connection order is Mark `B'. After the interim order of FRGC the defendant-company deposited the amount as directed by the FRGC. Thereafter, upto June 2013 the defendant- company use to pay the electricity bills generated by the plaintiff-company but thereafter, they again made a default in the payment of electricity bills. The FRGC decided the complaint of the defendant-company on 01.10.2013, the copy of the same is Ex.PW-1/D ( tenleaves). Thereafter, the Regulatory Electricity Commission enhanced the charges of IDC, due to which outstanding amount of the electricity was increased of the defendant-company.

After the final decision of FRGC, the defendant-company requested the plaintiff-company for permanent disconnection of their electricity connection. On the request of defendant-company, the plaintiff permanently disconnected the electricity connection on 01.10.2013. Due to the non-payment of the outstanding amount i.e. Rs.2,40,74,338/- of the electricity bills the plaintiff-company decided to file the present civil suit, accordingly, the same was filed.

xxx xxx xxx Shri Sanjeev Bhushan, Senior Advocate, with Shri Rajesh Kumar, Advocate for the defendants.

I remain posted as Superintending Engineer, Operation Circle HPSBL from 02.06.2014 to 30.06.2014. It is correct that all the correspondences and deliberation between the plaintiff and defendant-company were conducted prior to my joining at Una. It is incorrect that I did not have any authorization to file the present suit on behalf of the plaintiff-company. It is correct that I have not placed on record any authorization at the time of the filing of present suit. It is incorrect that outstanding energy charges were wrongly calculated and the same are without any basis. I do not know that the defendant- company made a request letter stating therein that the calculation of the energy bill was wrong. It is correct that as per FRGC order only 15% amount of the total IDC of already deposited IDC were required to be deposited by the defendant-company. I do not remember the amount of the Bank Guarantee which have been revoked by the plaintiff-company. I do not remember the date on which the said Bank Guarantee was revoked. It is correct that the defendant-company requested for the reduction of contract demand. It is incorrect that the reduction of contract demand was made without there being any change in connected load. I do not remember whether the connected load was reduced or not. I do not know that the defendant-company was entitled for an amount of Rs.17,15,502/- as refund amount. I do not remember the total IDC of the defendant-company. It is incorrect that even after the permanent disconnection of the electricity connection the bills were raised for the energy consumption. Self stated that only outstanding amount has been calculated along with the other charges for filing of the present suit. It is correct that the calculation pertaining to the outstanding amount of the energy charges was not personally calculated by me. It is incorrect that the present suit has been filed without any basis and the defendant-company is liable to pay what has been claimed in the present suit. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 6th May, 2024 (Pritam) 06.05.2024 Present: Ms. Sunita Sharma, Senior Advocate with Shri Tawarsu, Advocate, for the plaintiff.

Shri Sanjeev Bhushan, Senior Advocate with Shri Rajesh Kumar, Advocate for the defendant.

Statement of Shri P.S. Attli, is recorded as PW-1. Let the PWs mentioned at Sl. No. 2 and 3 be summoned for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 6th May, 2024 (Pritam) 07.05.2024 Present: Shri Balvinder Singh Ballu, Deputy Advocate General, for the petitioner.

Shri Vikas Rajput, Advocate, vice Shri Arjun Lall, Advocate, for the respondent.

As per the office report, application along with undertaking in the shape of affidavit of the respondent- applicant, valuation report of the property and the copies of Jamabandi for the years 2021-2022, duly issued on 19.04.2024, has been filed by the respondent-applicant in compliance of the order dated 05.04.2024 of the Hon'ble Court as solvent security to the tune of Rs.75,00,000/-.

The perusal of Jamabandi annexed with the application shows that the applicant-respondent (Yudhbir Singh) is one of the co-sharer in the property as mentioned in the Jamabandi and as per the valuation report furnished by the applicant, he is one of the co- sharer in the properties to the extant of 00-08-10 Bighas and the valuer has considered the said share of the land for the consideration evaluation of the said property. As per the evaluation report, the entire property/share in the land of the respondent is amounting to Rs.7,501,000/-.

Learned vice counsel for the applicant has also furnished the non-encumbrance certificate duly issued by the Village Revenue Officer, whereby he has certified that the share of the applicant-respondent is free from all encumbrances. The certificate is taken on record.

The respondent-applicant has undertook that he shall not sell, transfer, charge or encumber the above said property to anybody during the pendency of this case.

Accordingly, the solvent security furnished by the respondent-applicant is accepted by me. Further, let the needful be done in accordance with the orders of the Hon'ble Court.

Paras Doger Registrar (Judicial) 7th May, 2024 (Pritam) 08.05.2024 Present: Ms. Shivani Tegta, Advocate, vice Ms. Nishi Goel, Advocate, for the plaintiff.

Shri Rohit Sharma, Deputy Advocate General, for the defendants.

As per office report, the summons issued to DW-1 and DW-2, are served. Shri Ashwini Kumar, Patwari, Patwar Circle Bhangrotu, Tehsil Balh, District Mandi and Shri Thakur Dass, Patwari, Patwar Circle Bagla, Tehsil Balh, District Mandi, H.P., are present.

Ld. Deputy Advocate General submits that though the witnesses are present today but they have not brought the original record and due to non-availability of the original record, the documents could not be proved in accordance with law. Learned Deputy Advocate General prayed that the witnesses present today may be discharged so that they will bring the original record.

The prayer of the learned Deputy Advocate General is not opposed by the opposing counsel.

Accordingly, the witnesses present today are discharged. Let fresh summons be issued for the date to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 8th May, 2024 (Pritam) CMP (M) No. 251 of 2023 in 08.05.2024 Present: Ms. Shivani Tegta, Advocate, vice Ms. Nishi Goel, Advocate, for the plaintiff.



Shri Rohit Sharma, Deputy Advocate General, for the defendants.

As per office report, the summons issued to DW-1 and DW-2, are served. Shri Ashwini Kumar, Patwari, Patwar Circle Bhangrotu, Tehsil Balh, District Mandi and Shri Thakur Dass, Patwari, Patwar Circle Bagla, Tehsil Balh, District Mandi, H.P., are present.

Ld. Deputy Advocate General submits that though the witnesses are present today but they have not brought the original record and due to non-availability of the original record, the documents could not be proved in accordance with law. Learned Deputy Advocate General prayed that the witnesses present today may be discharged so that they will bring the original record.

The prayer of the learned Deputy Advocate General is not opposed by the opposing counsel.

Accordingly, the witnesses present today are discharged. Let fresh summons be issued for the date to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 8th May, 2024 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 RW-1 Statement of Shri Akshay Kaundal, aged 27 years presently posted as Patwari, Patwar Circle Baijnath, District Kangra, Himachal Pradesh On Oath 09.05.2024 Stated that I am posted as Patwari Patwar Circle Baijnath, District Kangra, H.P., from July, 2022. The disputed land is owned by the State of Himachal Pradesh and adjacent to the said land there is Shiv Temple in the town of Baijnath. The said Shiv Temple is time immortal. From the last many years temple Committee use to conduct langar outside the temple near to disputed land. Since the land is owned by the State Government but State is not interfering in the suit land in any manner after passing of the interim order by the Hon'ble Court. The applicant (Manohar Lal) has constructed a Shed on the disputed land. The State Government has never received any user charges from Shri Manohar Lal (applicant). The temple committee use to receive voluntarily donations and the receipt to that effect is duly issued by the Committee. During the time of fare whoever use to put temporary stall upon the Government land then they will have to pay the user charges for that. The respondents have never violated the order of the Hon'ble Court. I am holding the charge of area where the suit land is situated. All the affairs of Government are in my knowledge.

CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 xxx xxx Shri Atharv Sharma, Advocate, for the applicant-petitioner.

I am aware about the status quo order passed by this Court in the present appeal. I am not aware about any legal notice which was being served to the District Collector, Kangra. It is correct that the photographs Mark `A' and `B', is the land which is adjacent to the Shiv Temple. The Shed which is apparent in the photograph Mark `1A' is on Khasra No. 1988/100/3 and the Shed apparent in the photograph Mark `B' is on Khasra Number 1988/100/1. The Shed in photograph Mark `A', is Kitchen of the Shiv Temple and the Shed in photograph Mark `B', has been constructed by the applicant. It is correct that the land which is shown in the photographs Mark `A' and `B' is part of Khasra No. 1988/100. I am not aware that the receipt Mark `M', pertains to the donation slip to the Shiv Mandir Temple. It is incorrect that the respondent has intentionally and willfully violated the

order of the Court by interfering the peaceful possession of the applicant.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 9th May, 2024 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 Statement of Shri Tejasvi Sahrma, Additional Advocate General, State of Himachal Pradesh.

On Oath 09.05.2024 I give up Shri Harish Kumar, Tehsildar Bamson (Tauni Devi) and Shri Chuni Lal, Supervisor, Shiv Temple Baijnath being repetitive in nature and close the evidence on behalf of the respondents.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 9th May, 2024 (Pritam) CMP (M) No. 251 of 2023 in RSA No. 196 of 2021 09.05.2024 Present: Shri Atharv Sharma, Advocate, for the applicant.

Shri Tejasvi Sahrma, Additional Advocate General, for the respondents.

Statement of Shri Akshay Kaundal, is recorded as RW-1. Vide separate statement of the Ld. Additional Advocate General, he has given up the remaining witnesses and close the evidence on behalf of the respondents.

Since the evidence is complete on behalf of the parties, accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 9th May, 2024 (Pritam) CMP No. 2831 of 2021 in RSA No. 511 of 2016 09.05.2024 Present: Shri Pranjal Munjal, Advocate, for the non-

applicants-appellants.

Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for applicants- respondents No. 1 and 2.

None for the other respondents.

Shri Kanshi Ram Thakur, is present today. Learned Senior Counsel for the applicants-respondents No. 1 and 2 is also present but learned vice counsel for the non-applicant submits that the Senior Counsel Shri Bhupinder Gupta, for the non-applicants-appellants is busy in Court. Learned Senior Counsel for the applicants submits that he is waiting for the last one hour and he has other cases in the court, therefore, he submitted that the matter may be adjourned due to the non-availability of the opposing counsel. Learned Senior Counsel for the applicant further submits that he will produce the applicant on the next date of hearing on self responsibility.

Due to the non-availability of the opposing counsel, the matter is adjourned for today. Let the applicant be produced on the next date of hearing on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 9th May, 2024 (Pritam) 13.05.2024 Present: Ms. Sunita Sharma, Senior Advocate with Shri Dhananjai Sharma, Advocate, for the plaintiff.

Shri Y.P. Sood, Advocate, for defendants No.1 and 2.

None for defendant No.3.

Shri B.C. Sharma and Plaintiff are present today. However, learned senior counsel for the plaintiff submits that issues regarding damages have been framed by the Hon'ble Court on 14.07.2023, and in order to prove those issues, certain documents are required to be placed on record.

Learned senior counsel further submits that she will move an appropriate application for bringing on record those documents.

Learned counsel for the defendants No. 1 and 2 has no objection to the request of the learned senior counsel for the plaintiff. Therefore, the matter may be adjourned for today.

Accordingly, the matter be listed before the Hon'ble Court after filing the appropriate application by the plaintiff.

Paras Doger Registrar (Judicial) 13th May, 2024 (Pritam) PW-1 Statement of Shri Pritam Lal, aged 50 years presently posted as Record Keeper, Additional Chief Judicial Magistrate Court, Ghumarwin, District Bilaspur, Himachal Pradesh.

On Oath 14.05.2024 Stated that I am working as Record Keeper, office of Additional Chief Judicial Magistrate Ghumarwin, District Bilaspur, Himachal Pradesh from 2023. I have brought the requisitioned record. As per my record, FIR No. 236 of 2024 registered at Police Station, Ghumarwin District Bilaspur Ex. PW-1/A. Copy of the charges against the accused persons is Ex. PW-1/B. Copy of the Challan is Ex. PW-1/C. The statement of the witnesses (PW-1 to PW-17) in the present Challan recorded by the Court, is Ex. PW-1/D. The certified copy of the judgment in the present Challan is Ex. PW-1/E. All the above said documents are true and correct as per the original record brought by me today (original seen and returned).

R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th May, 2024 (Pritam) PW-2 Statement of Shri Lok Paul Thakur, aged 33 years presently posted as Criminal Ahlmad, Additional District and Sessions Judge, Ghumarwin, District Bilaspur, Himachal Pradesh.

On Oath 14.05.2024 Stated that I am working as Criminal Ahlmad, office of Additional District and Sessions Judge, Ghumarwin, District Bilaspur from November 2023. I have brought the original requisitioned record. As per my record, the copy of bail order passed in Bail Application No. 190/22/2014 was decided by the Additional District and Sessions Judge Ghumarwin on 25.11.2014. The copy of the same is Ex. PW-2/A. The copies of the Bail Application Nos. 202/22 of 2014 to 204/22 of 2014 decided on 24.12.2014, by the Additional Sessions Judge is Ex. PW-2/B. The copy of order dated 24.11.2015 in Sessions Trial No. 22-7/2015 passed by Additional District and Sessions

Judge, is Ex. PW-2/C. The above said documents are true and correct as per my record (original seen and returned).

R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th May, 2024 (Pritam) PW-3 Statement of Shri C.R/ Bharti, aged 54 years presently posted as Junior Assistant, Criminal Section, High Court of Himachal Pradesh, Shimla.

On Oath 14.05.2024 Stated that I am working as Junior Assistant, in Criminal Branch, High Court of Himachal Pradesh, Shimla from 2022. I have brought the original requisitioned record. As per my record the copy of the order dated 28.09.2015 in Cr. MMO No. 67 of 2015 and Criminal Revision No. 278 of 2015 passed by the Hon'ble High Court is Ex. PW-3/A and copy of the order dated 28.03.2016, in Cr. MMO No. 73 of 2016 is Ex. PW-3/B. The above said documents are true and correct as per my record (original seen and returned).

R.O. & A.C. (Paras Doger) Registrar (Judicial) 14th May, 2024 (Pritam) 14.05.2024 Present: Shri Anand Sharma, Senior Advocate with Shri Karan Sharma, Advocate for the plaintiffs.

All the defendants are already ex-parte.

Statements of Shri Pritam Lal, Shri Lok Paul Thakur and Shri C.R. Bharti are recorded as PW-1, PW- 2 and PW-3, respectively. Let the next three witnesses mentioned in the list of witnesses be summoned for the date to be fixed by the Additional Registrar (Judicial). Steps, if any, be taken within fifteen days.

Paras Doger Registrar (Judicial) 14th May, 2024 (Pritam) Election Petition No. 1 of 2023 14.05.2024 Present: Shri R.K. Sharma, Senior Advocate, with Ms. Anita, Advocate, for the petitioner.

Shri Rajesh Kashyap, Advocate, for respondent No.2.

Respondents No. 2 to 4 already ex-parte.

Respondent No.5, already deleted vide order dated 11.10.2023 of the Hon'ble Court.

Admission and denial of the documents has been done by respondent No.1 today. The admission and denial of the documents filed by respondent No.1 has already been done by the petitioner on 30.04.2024.

Admission and denial of the documents filed by the parties is complete. Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 14th May, 2024 (Pritam) 15.05.2024 Present: Ms. Swati Verma, Advocate, vice counsel for the petitioner.

Shri Suneet Goel, Advocate for the respondent.

As per the office report, the confirmation regarding Bank Guarantee No. 16090100011967, dated 06.03.2024 for the period of 05.03.2024 to 31.03.2025, has been received and the same is taken on record.

Paras Doger Registrar (Judicial) 15th May, 2024 (Pritam) CMP(M) No. 1169 of 2022 in RSA No. 31 of 2020 years, I.O. Police Post Sarahan, Tehsil Rampur, District Shimla, Himachal Pradesh.

On Oath 15.05.2024 Stated that I am posted as Incharge Police Station Sarahan, Tehsil Rampur Bushehr, District Shimla from 2019. I have brought the original requisitioned record. On the complaint of Shri Raman Sharma S/o Shri Hari Parkash Sharma, GD Entry No. 6, dated 25.07.2022, was entered at Police Post Sarahan, District Shimla, under my instruction which is Ex. AW-1/A. The said GD entry is computer generated document. After the receipt of the complaint, I visited the spot and the complainant informed me that on the disputed land there were trees but I did not find any tree on the said land. On my instruction, the complainant Raman Sharma, clicked the photograph Mark-`A'. I do not know whether any articles were missing from the said Shed, however, some articles were lying in the Shed apparent in photograph. The complainant made a complaint that the respondent had forcibly taken the apples from the tree but apparently I do not found the allegation made by the complaint correct. I have also made an inquiry from the other party but they told me that the civil litigation is going on between them in the Court and they will pursue the matter in the Court accordingly. Thereafter, I came back to the Police Post Sarahan and made GD Entry No.9, regarding my arrival at Police Post Sarahan, which is Ex. AW-1/`B'.

CMP(M) No. 1169 of 2022 in RSA No. 31 of 2020 xxx xxx xxx Shri Raj Kumar Negi, Advocate, for the respondent No.1.

It is correct that the Shed apparent in photograph Mark-`A', is an old structure.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 15th May, 2024 (Pritam) CMP(M) No. 1169 of 2022 in RSA No. 31 of 2020 15.05.2024 Present: Shri Ajeet Pal Singh Jaswal, Advocate, for the applicant.

Shri Raj Kumar Negi, Advocate for the respondent No.1.

Respondents No. 2 to 4 already ex-parte.

Statement of HC Rakesh, No. 51, I.O., Police Post Sarahan, is recorded as AW-1. Learned counsel for the applicant submits that he will produce the applicant on the next date of hearing on self responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the date of remaining AWs.

Paras Doger Registrar (Judicial) 15th May, 2024 (Pritam) 16.05.2024 Present: Ms. Sunaina, Deputy Advocate General, for the petitioner.

Shri Tarunjeet Singh Bhogal with Ms. Swati Verma, Advocate, for the respondents.

As per the office report, the undertaking on behalf of the respondents has been filed by Shri A.K. Mirchandani, General Attorney of the respondents. The respondent has already filed the Bank Guarantee dated 20th January, 2024, duly issued by State Bank of India, SPL COMM Branch, Chandigarh, SCO 103-106, Sector-17B, Chandigarh, which has been duly verified by the concerned Bank.

The Bank Guarantee is accordingly accepted. The undertaking subsequently furnished by the respondent is taken on record. Let the needful be done in compliance of the order of Hon'ble Court dated 11.01.2024.

Paras Doger Registrar (Judicial) 16th May, 2024 (Pritam) 17.05.2024 Present: Shri Karan Singh Kanwar, Advocate, for the counter claimant-defendant.

None for non-counter claimant as they have been already proceeded ex-parte.

As per the office report, the matter was fixed for 16.05.2024 for evidence of the counter- claimant on self responsibility, but due to some technical error while listing the case matter could not be reflected in the Cause List of 16.05.2024.

Accordingly, the matter is listed today before the undersigned. Learned counsel for the counter-claimant/defendant submits that the defendant/counter claimant is not present today as he is not aware about the today's listing date and he seeks adjournment.

Since the case was not reflected in the cause list of 16.05.2024, therefore, it is apparent that the same was not within the knowledge of learned counsel or the defendant-counter claimant, hence, the counter-claimant could not be produced.

Accordingly, let the counter-claimant be produce on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 17th May, 2024 (Pritam) CMP(M) No. 409 of 2023 in RSA AW-1 Statement of Shri Chet Ram S/o Nantia Ram, aged 74,, R/o Village and Post Office Mundu, Tehsil Tehog, District Shimla, H.P. On Oath 17.05.2024 Stated that I am patient of heart and lungs and my disease is continuing from 2006. At present I have fracture in my leg also. I remained admitted in the IGMSC Shimla due to fracture in my leg from 16.07.2022 to 25.07.2022. The judgment and decree was passed by the Additional District and Sessions Judge-cum Special Judge, CBI, Shimla, on 23.09.2020 but due to the CRONA pandemic I could not contact my counsel at Shimla since I was suffering from various ailments. My wife and children were also suffering from ailments and due to the pandemic I could not come out from my house for the safety of my family. Due to the CRONA pandemic my family was also in financial crises. Due to old age I could not contact my Advocate at Shimla for filing the appeal, however, in the year 2023, when I get respite all my family problems and after arranging the Court Fee, I approached my counsel immediately for filing the

present appeal. On my instructions the appeal alongwith the present application was filed by my counsel on 26th April, 2023. The delay in filing the appeal is neither intentional nor willful but due to my old age, my ailments, ailment of my wife and children, CORONA pandemic as well as due to family circumstance as my son is also lodged in Jail. There was no one in the family to accompany me to the Advocate at Shimla, as my house is in remote area and is about 150 Kms. away from Shimla. The copy of my discharge-cum- follow up Card is Mark `A'. Copy of my Prescription Slip are Mark `B' and Mark `C'. Copies of the Prescription Slip of my wife is Mark `D, and Copy of Discharge-cum-follow up slip of my son having mental disorder are Mark `E' and Mark `F'.

CMP(M) No. 409 of 2023 in RSA xxx xxx xxx Shri Tejasvi Sharma, Additional Advocate General for My treatment was going on in Shimla and Chandigarh. It is correct that I have not placed on medical record of Mark `A' to Mark `F'. My Advocate is stationed at Shimla. I was intimated by my counsel at District Court immediately after the decision of the Lower Appellate Court. It is incorrect that I was having ample opportunities to meet my counsel at High Court of Himachal Pradesh and to file the appeal well in time. It is incorrect that I intentionally did not file the appeal well in time. It is incorrect my grounds of application are frivolous and I am deposing false today. R.O. & A.C. (Paras Doger) Registrar (Judicial) 17th May, 2024 (Pritam) CMP(M) No. 409 of 2023 in RSA Statement of Shri Chet Ram S/o Nantia Ram, aged 74,, R/o Village and Post Office Mundu, Tehsil Tehog, District Shimla, H.P. Without Oath 17.05.2024 Stated that I do not want to examine any other witness and close the applicants evidence. R.O. & A.C. (Paras Doger) Registrar (Judicial) 17th May, 2024 (Pritam) CMP(M) No. 409 of 2023 in RSA Statement of Shri Tejasvi Sharma, Additional Advocate General for respondents No. 1 to 3.

Without Oath 17.05.2024 Stated that I do not want to lead any evidence on behalf of the respondents-State.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 17th May, 2024 (Pritam) CMP(M) No. 409 of 2023 in RSA 17.05.2024 Present: Shri Nishant Kiddtha, Advocate for the applicants.

Shri Tejasvi Sharma, Additional Advocate Statement of Shri Chet Ram applicant is recorded as AW-1. Vide his separate statement Shri Chet Ram has closed the applicants evidence. Learned Additional Advocate General vide his separate statement stated that he does not want to lead any evidence on behalf of the respondents-State.

Accordingly, the evidence on behalf of the parties is complete and the matter may be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 17th May, 2024 (Pritam) 20.05.2024 Present: Shri Karan Singh Kanwar, Advocate for the plaintiff.

Shri Ashok Tyagi, Advocate, for the defendant No.1.

None for defendant No.2 Witness Sh. Yugal Sharma is present today, however the learned counsel for the defendant No.1 has raised the objection that the witness present today cannot be examined

since the plaintiff has not been examined till date and in the event of non examination of the plaintiff, prior in time, the other witnesses can not be examined.

Learned counsel for the plaintiff submitted that the plaintiff has to come today but due to some personal difficulty he could not come to the Court for adducing evidence. However, learned counsel for the plaintiff submitted that he will produce the plaintiff on the next date of hearing. Accordingly, the witness present today is discharged.

Let the plaintiff be produced on the next date of hearing on the self responsibility for the date to be fixed by the Additional Registrar (J). The other witnesses will be summoned thereafter only.

Paras Doger Registrar (Judicial) 20th May, 2024 (gaurav) CMP No. 478 of 2023 in RSA 21.05.2024 Present: Shri Kshitij, Advocate Id. vice counsel of Mr. Vinod Gupta, Advocate for the applicant.

Shri Ajay Sharma, Advocate for the respondent.

As per the office report the witness is required to be produced on self responsibility today, however, learned vice counsel for the applicant submit that due to ill health of Smt. Usha Devi she could not come to Court to adduce the evidence. Learned counsel for the applicant has also placed on record the prescription slip of Smt. Usha Devi, wherein, on 14.5.2024, Doctor has advised her ten days rest (Copy of the prescription slip is taken on record). Learned counsel for the applicant seeks adjournment for today, to which learned counsel for the respondent has no objection.

Accordingly, the matter is adjourned. Let the case be listed for AWs' for the date to be fixed by the Additional Registrar (Judicial) List along with CMP No. 478 of 2023 Paras Doger Registrar (Judicial) 21st May, 2024 (gaurav) CMP No. 478 of 2023 in RSA 21.05.2024 Present: Shri Kshitij, Advocate Id. vice counsel of Mr. Vinod Gupta, Advocate for the applicant.

Shri Ajay Sharm, Advocate for the respondent.

As per the office report the witness was required to be produced on self responsibility today, however, learned vice counsel for the applicant submit that due to ill health of Smt. Usha Devi could not come to adduce the evidence. Learned counsel for the applicant has also placed on record the prescription slip of Smt. Usha Devi, wherein, on 14.5.2024 Doctor has advised her ten days rest (Copy of the prescription slip is taken on record). Learned counsel for the applicant seeks adjournment for today to which learned counsel for the respondent has no objection.

Accordingly, the matter is adjourned. Let the case be listed for AWs' for the date to be fixed by the Additional Registrar (Judicial) List along with CMP No. 478 of 2023 Paras Doger Registrar (Judicial) 21st May, 2024 (gaurav) Cr.MP(M) No. 1666 of 2023 in Cr.Rev. 22.05.2024 Present: Shri B.S.Atri, Advocate for the applicant.

Ms. Geeta Thakur, vice Ms.Madhurika Sekhon, Advocate for the respondent.



Learned counsel for the applicant submits that the applicant is present today. However, learned vice counsel for the respondent submits that the original counsel for the respondent is out of station and seeks adjournment on the ground of non-availability of the original counsel.

Learned counsel for the applicant has no objection qua the adjournment sought by the respondent.

Accordingly, the matter is adjourned. Let the case be listed for AWs' for the date to be fixed by the Additional Registrar (Judicial) Paras Doger Registrar (Judicial) 22nd May, 2024 (gaurav) CMP No. 1059 of 2022 in RSA No. 633 of 2005 23.05.2024 Present:-

Shri Abhishek, Advocate, vice Ms. Rachna Kuthiala, Advocate, for the applicant. Shri Raman Sethi, Advocate, for respondent No.1.

Ms. Nisha, Advocate, vice Shri Karan Singh Kanwar, Advocate for respondent No.2.

As per office report, steps i.e. PF, list of witnesses and road and diet money have not been deposited till date. Learned vice counsel for the applicant-appellant seeks four weeks time for doing the needful.

Let steps, if any, be taken within three weeks, thereafter the process be issued for the service of AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 23rd May, 2024 (Pritam) CMP No. 1058 of 2022 in RSA No. 605 of 2005 23.05.2024 Present:-

Shri Abhishek, Advocate, vice Ms. Rachna Kuthiala, Advocate, for the applicant. Ms. Nisha, Advocate, vice Shri Karan Singh Kanwar, Advocate for respondent No.1. Shri Raman Sethi, Advocate, for respondent No.2.

As per office report, steps i.e. PF, list of witnesses and road and diet money have not been deposited till date. Learned vice counsel for the applicant-appellant seeks four weeks time for doing the needful.

Let steps, if any, be taken within three weeks, thereafter the process be issued for the service of AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 23rd May, 2024 (Pritam) CMP No. 9957 of 2019 & CMP No. 13137 of 2019 in RSA No. 39 of 2019

24.05.2024 Present:-

Shri Digvijay Singh Bisht, Advocate vice counsel for the applicants in CMP No. 13137 of 2019/ appellants.

Mr. Shri Anand Sharma, Senior Advocate with Shri Karan Sharma and Shri Virender Thakur, Advocates, for applicants in CMP No. 9957 of 2019/respondents No. 1 to 4.

Ms. Abhilasha Kaundal, Legal Aid Counsel for respondent No.2.

None for respondent No.3.

As per office report, steps for the applicants witnesses in both the applications are not taken by the parties. List of witnesses is still awaited. Applicant in CMP No. 9957 of 2019 is present, however, learned senior counsel for applicant in CMP No. 9957 of 2019 submits that he has not brought the entire original record today and requested that this witnesses be discharged for today. Learned senior counsel further submits that he will file the list of witnesses within fifteen days and bring the witnesses in CMP No. 9957 of 2019 on self responsibility.

Learned vice counsel for the applicant in CMP No. 13137 of 2019 further submits that they will file the list of witnesses within fifteen days and bring the witnesses in CMP No. 13137 of 2019 on self responsibility.

CMP No. 9957 of 2019 & CMP No. 13137 of 2019 in RSA No. 39 of 2019 Accordingly, the witness present today is discharged. It is made clear that at the first instance the matter be listed for recording the statement of witnesses in CMP No. 9957 of 2019 and thereafter the witnesses in the other CMP will be examined.

Let the matter be listed before the Additional Registrar for fixing the date of AWs.

Paras Doger Registrar (Judicial) 24th May, 2024 (Pritam) Criminal Appeal No. 523 of 2004 It is humbly submitted that Criminal Appeal Nos. 337 and 523 of 2004, were decided by this Hon'ble Court by a common judgment dated 21.08.2007 and the State of Himachal Pradesh, had filed two separate Special Leave Petitions (Criminal) No. 9485 and 9486 of 2009, before the Hon'ble Apex Court, challenging the said judgment of this Court. As per the order dated 25.07.2016, passed by the Hon'ble Supreme Court of India, both the SLPs were listed in the Chambers of Hon'ble Judge and the following order was passed:-

"Learned counsel for the petitioner is finally granted one weeks' time to comply with the office report dated 11.07.2016, failing which the special leave petition shall stand dismissed against sole respondent in SLP(Crl.) No. 9486 of 2009 without further reference to the Court."

The copy of the order dated 25.07.2016 is annexed herewith as Annexure -A. Thereafter, as per office report of the Assistant Registrar, Hon'ble Supreme Court of India dated 05.01.2016, (copy of the office order is Annexure -B), in Special Leave Petition (Crl.) No. 9486 of 2009, the Special Leave Petition No. 9486 of 2009, stood dismissed as the counsel for the petitioner did not take appropriate

steps in compliance to the order dated 25.07.2016.

Accordingly, SLP No. 9485 of 2009 only was registered as Criminal Appeal No. 107 of 2017 and vide judgment dated 09.02.2022, Criminal Appeal No. 107 of 2017 arising out of the SLP (Criminal) No. 9485 of 2009 the Hon'ble Apex Court remitted back the said Appeal to this Hon'ble High Court.

It is, therefore, respectfully submitted that due to inadvertence the connecting Criminal Appeal No. 523 of 2004, decided by this Hon'ble Court has been listed along with Criminal Appeal No. 337 of 2004, which has been remanded back by the Hon'ble Apex Court. The Dealing Assistant has regretted the inconvenience caused to the Hon'ble Court. Accordingly, the report is submitted, please.

Paras Doger Registrar (Judicial) 25.05.2024 Note: The Court Master of the Hon'ble Court is requested to apprise the Hon'ble Court at the time of hearing of the matter.

Deputy Registrar (Judicial) CMP(M) No. 1280 of 2022 in RFA 27.05.2024 Present:-

Shri Abhishek Sharma, Advocate, for the applicants.

Shri Jagdish Thakur, Advocate, for respondent No.1.

None for respondent No.2-State.

Learned counsel for the applicants submits that he could not inform his client about today's date for their evidence. Learned counsel seeks adjournment for today and ensure that he will produce the applicants witnesses on self responsibility on the next date of hearing.

Accordingly, the adjournment is granted for today. Let the case be listed before the Additional Registrar (Judicial) for fixing the date of AWs.

Paras Doger Registrar (Judicial) 27th May, 2024 (Pritam) Office submissions made hereinabove may kindly be perused.

It is humbly submitted that as per the direction of Your Lordship dated 04/05/01.2024, at N/29, ante, the matter is again required to be placed before Your Lordship. It is further submitted that as per note at N/44/587 (Flag `B'), Your Lordship was pleased to reject the candidature of the representationist (Ms. Diksha Sharma) on 22.08.2023, and the applications were invited for the post of Assistant Librarian under mode (a) of the Recruitment and Promotion Rules 2015, as the representationist was not fulfilling the necessary qualification as per Rules ibid for the post of Assistant Librarian i.e., Graduation with Post Graduation Degree in Library Science.

Thereafter, the post of Assistant Librarian was again advertised under mode-(b), but due to not possessing the requisite qualification for the post of Assistant Librarian i.e. Graduation with Post Graduation Diploma in Library Science or any Post Graduation Degree in Library Science, none of the candidates were found eligible for being considered for the post under mode-(b).

Accordingly, vide order dated 21.12.2023, (Flag-X-1) at N/642, Your Lordship has been pleased to reject the candidature of Ms. Diksha Sharma and directed to invite the applications for the post of Librarian under mode-(c) i.e. by way of direct recruitment.

Now, the applicant (representationist) has submitted Mark-Sheet of Master of Library Science, which is a computer generated copy downloaded from IGNOU website wherein it has been mentioned that "The status is indicative only & cannot be used as a substitute for the final grade card. The Final Grade Card will be issued after completion of the Programme on updation of all prescribed components."

Thereafter, Ms. Diksha Sharma (representationist) submitted a representation dated 27.12.2023, requesting to fill the post of Assistant Librarian under mode (a) or (b) of the R&P Rules, 2015 (i.e. from amongst the eligible employees of the Registry) and not to fill the same under mode-(c) i.e. by direct mode as the employee(s) are eligible in the Registry for the aforesaid post.

It is further submitted that in compliance to N/642 at Flag `X-1', the Recruitment Branch has already advertised the post of Assistant Librarian under mode (c) i.e. by way of direct recruitment, vide advertisement No. HHC/Admn.2 (23)/82-XI, dated 18.01.2024 and the last date for filling up the said post through online was 26.02.2024.

Since the post of Assistant Librarian has already been advertised in compliance to the order of Your Lordship at N/642 at Flag `X-1', therefore, the representation dated 27.12.2023, has become infructuous.

In view of the above, Lordship's directions are solicited as under:

A. Lordship may be pleased to order to reject the representation under reference being devoid of merit OR B. Any other directions as Your Lordship may deem fit and proper in the matter.

Paras Doger Registrar (Judicial)

28.05.2024 Hon'ble the Chief Justice Civil Suit No. 95 of 2020 a/w CS 108 of 2021 28.05.2024  
Present: Shri Maan Singh, Advocate, for the plaintiff in Civil Suit No. 95 of 2020 and for non-

of 2021.

Shri Janmajai Chauhan, Advocate, vice Shri Sunil Mohan Goel, Advocate, for the defendants in Civil Suit No. 95 of 2020 and for counter claimants in Counter Claim No. 108 of 2021.

Learned counsel for the parties have made joint request for adjournment of the cases as the witnesses are not present today. As per previous orders, three opportunities have already been granted for producing the plaintiff's witnesses on self responsibility.

Therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 28th May, 2024 (Pritam) CMP(M) No. 14361 of 2021 in RSA No. 492 of 2015 Statement of Shri Ramakant Sharma, Advocate for the applicant.

Without Oath 29.05.2024 Stated that no other witnesses is required to be examined further, therefore, I close the evidence on behalf of the applicant.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 29th May, 2024 (Pritam) CMP(M) No. 14361 of 2021 in RSA No. 492 of 2015 29.05.2024 Present: Shri Ramakant Sharma, Advocate, for the applicant.

None for the respondents.

Vide separate statement, learned counsel for the applicant has closed the evidence on behalf of the applicant.

As per the office report, despite order dated 15.12.2023 of the Hon'ble Court, the respondents have not taken the steps till date. Therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 29th May, 2024 (Pritam) CMP(M) No. 673 of 2023 in RSA 31.05.2024 Present: None for the applicant/State Sh. Virender Singh Chauahn Sr. Advocate with Mr. Arsh Chauahan for the respondent.

Sh. Ranjeet Singh AW-2 present in person As per the office report, witness Sh. Ranjeet Singh is present today. Despite repeated calls no Additional/ Deputy/ Assistant Advocate General appeared for getting the statement recorded of the witness present today. Therefore the undersigned has no option but to discharge the witness today. Accordingly, the witness is discharged.

In view of the above, let the matter be listed in the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 31st May, 2024 (Gaurav) 10.06.2024 Present:-

Shri Vijay Kumar Verma, Advocate, for the petitioner.

Ms. Drishti Sirswal, Advocate, vice Mr. Balwant Kukreja, Advocate, for respondent No.1.

Ms. Sunaina, Deputy Advocate General for the State-respondent No.2.

None for respondents No. 3 to 73.

As per office report, proclamation of sale of movable and immovable properties have been published in the Indian Express (Chandigarh Edition) dated 05.04.2024 and no report/communication regarding the sale of properties has been received yet.

Moreover, there is no communication from the Sale Marketing Manager (advertisement), Amar Ujala, regarding the publication of notice in the said Newspaper.

Accordingly, let the reminder be issued to the Sale Marketing Manager (advertisement) Amar Ujala Limited Timber House Shimla, regarding submitting the report as to whether the proclamation has been made in the said newspaper or not.

Let the reminder be also issued to the Collector Solan as well as the Deputy Commissioner Jalandhar qua submitting of the report of sale of moveable and immovable properties in Company Petition No. 17 of 2024, titled as Religare Finvest Ltd. Vs. Ms. Pronto Stearing Ltd., and other.

Let the case be listed before the undersigned on 15.07.2024.

Paras Doger Registrar (Judicial) 10th June, 2024 (Pritam) 10.06.2024 Present:-

Shri G.D. Verma, Senior Advocate with Shri Sumit, Advocate, for the petitioner. Ms. Seema K. Guleria, Advocate, for the respondents.

As per office report, RW-1, Shri Ram Lal and Civil Ahlmad, O/o Senior Civil Judge, Court No.2, Chakkar, Shimla, are duly served.

Shri Nishant Pathania, Civil Ahlmad from the office of Senior Civil Judge, Court No.2, Chakkar, Shimla, is present. However, learned counsel for the respondents has submitted that the documents, which are required to be proved by this witness has not been inadvertently placed on record and she will have to apply the certified copy of the said documents for proving the same in accordance with law. Learned counsel for the respondents further submits that she will move appropriate application for placing the said documents on record and prayed for discharge of the said witness for today. Learned counsel for the respondents further submits that the other witness Shri Ram Lal is also not present due to some unavoidable circumstances.

Accordingly, the witnesses Shri Nishant Pathania, is discharged for today. Let the case be listed before the Hon'ble Court as and when the appropriate application will be filed by the respondents.

Paras Doger Registrar (Judicial) 10th June, 2024 (Pritam) CMP No. 9572 of 2017 in RSA No. 549 of 2009 AW-5. Statement of Shri Sarwan Kumar S/o Late Shri Sardaru Ram, aged 67 years, R/o Village Dholage Chaknar, P.O. Kalol, Tehsil Jhandutta, District Bilaspur, Himachal Pradesh.

On Oath

11.06.2024 Stated that I have filed the present appeal i.e. RSA No. 549 of 2009, in the High Court. I have filed an application for the stay alongwith the said appeal, vide order dated 23.11.2009, the Hon'ble Court directed the parties to maintain status quo with respect to nature possession and titled of the suit land. Thereafter, vide order dated 25.03.2010, the Hon'ble Court appointed one Local Commissioner to know the factual position of the disputed land bearing Khasra No. 207/1. On the directions of the Hon'ble Court Naibh Tehsildar Jhandutta visited the spot and demarcated the land. Vide order dated 21.08.2013, the Hon'ble Court confirmed the interim order dated 23.11.2009. In spite of the stay order, the respondent started to raise construction on the disputed land on 31.01.2017. I made a request to the respondent not to raise any construction over the disputed land but he did not stop. Thereafter, on 01.02.2017, I made a complaint to the SHO Police Station Tallai, which is Mark `A'. On the same day SHO Police Station Tallai, send Head Constable Tirth Ram to the spot and he found that the respondent was doing the construction work on the spot. After making of the inspection of the spot Head CMP No. 9572 of 2017 in RSA No. 549 of 2009 Constable Tirth Ram asked the documents pertaining to the said land from me and from the respondent. After inspecting the documents on the spot Head Constable Tirth Ram did not rely upon the documents produced by me and told me that there is no stay, however, he relied upon the documents produced by the respondents. Thereafter, he pressurized me to enter into a compromise with the respondents and wrote a compromise deed by his hand. The compromise deed is Mark `B'. I appended my signature's on the compromise deed since I was pressurized by Head Constable Tirth Ram and my signature is Ex. PW-5/A on compromise deed Mark `B'. Thereafter, Head Constable left the spot and went back to Police Station. Thereafter, in order to resolve the dispute I requested the respondent to make the construction work on the disputed land but the respondent did not allow me to do the work. Thereafter, I again made a complaint SHO Police Station Tallai on 02.02.2017, which is Mark `C'. Though, the SHO Police Station Tallai assured me that they are coming to the spot but they did not come to the spot. The respondent carried on his construction work pertaining to raising of the walls and laid the lentil on the structure raised on the disputed land. Thereafter, I filed one application Mark `D', under Right to Information Act to the SHO Police Station, Tallai and he provided me the documents which were asked by me in my application and CMP No. 9572 of 2017 in RSA No. 549 of 2009 the same are Mark `E', Mark `F', Mark `G' and Mark `H'. The respondent did not stop his work, however, he also made one application to the District Magistrate, which is Mark `E'. On my application dated 02.02.2017 Mark `C' and the application filed by respondent Mark `D', Head Constable Tirth Ram again visited the spot on 03.04.2017 and recorded the statement of the respondent but he did not recorded my statement. The Police has given the

wrong report against me which was not according to the factual position. The respondent has intentionally and willfully disobeyed of the stay order of the Hon'ble Court, therefore, he be dealt with in accordance with law.

xxx xxx xxx Shri Sharwan Dogra, Senior Advocate with Shri Bharat Thakur, Advocate for the respondents.

It is correct that I had filed the suit pertaining to Khasra No. 207/1. It is correct that the stay order granted by the High Court is also pertaining to the same Khasra Number. It is incorrect that Khasra No. 210 abuts to Khasra No. 207/1. It is correct that Khasra No. 207/2 is abutting to Khasra No. 207/1. Khasra No. 207/2 is owned by me. Khasra No. 207/3 is owned by the respondent. Both the Khasra No. 207/2 and Khasra No. 207/3 are abutting to Khasra No. 207/1. It is correct that adjacent to Khasra No. 207/3 there is one another Khasra No. 526/208 which also belongs to respondent. It is incorrect that the CMP No. 9572 of 2017 in RSA No. 549 of 2009 boundary of Khasra No. 526/208 is not touching with Khasra No. 207/1. It is correct that boundary of Khasra No. 526/208 is abutting to Khasra Nos. 207/3 and 525/208. It is correct that the respondent is raising whatever construction is on Khasra No. 526/208. Self stated that there is also stay pertaining to Khasra No. 526/208 for which separate RSA is pending adjudication before the High Court. It is incorrect that the respondent is not raising any construction on Khasra No. 207/1, which is the subject matter of the present RSA. It is incorrect that at the time of demarcation all the Khasra Numbers were not identified by the Revenue Agency. It is incorrect that I use to file the vague applications before the Police Authorities just to harass the respondent. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th June, 2024 (Pritam) CMP No. 9572 of 2017 in RSA No. 549 of 2009 Statement of Shri Rahul Mahajan, Advocate, for the applicant.

Without Oath 11.06.2024 Stated that I close the evidence on behalf of applicant since the list of witness has been exhausted. R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th June, 2024 (Pritam) CMP No. 9572 of 2017 in RSA No. 549 of 2009 Statement of Shri Bharat Thakur, Advocate, for the respondents.

Without Oath 11.06.2024 Stated that I do not want to lead any evidence on behalf of the respondents and close the evidence. R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th June, 2024 (Pritam) CMP No. 9572 of 2017 in RSA No. 549 of 2009 11.06.2024 Present:-

Shri Rahul Mahajan, Advocate, for the applicant-appellant.

Shri Shrawan Dogra, Senior Advocate with Shri Bharat Thakur, Advocate, for the respondents.

Statement of Shri Sarwan Kumar is recorded as AW-5, vide separate statement. Learned counsel for the applicant has closed the evidence on behalf of the applicant. Learned counsel for the respondents vide separate statement has stated that he does not want to lead any evidence on behalf of the respondents.



Accordingly, the evidence is complete. Let the matter be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 11th June, 2024 (Pritam)

12.06.2024 Present:-

Ms. Nisha, Advocate, vice Shri Karan Singh Kanwar, Advocate, for the plaintiff.

Defendants already ex-parte.

Vide order dated 20.11.2023, Hon'ble Court has granted one more opportunity for taking the steps for PWs. Thereafter, the matter was listed before Additional Registrar (Judicial) for taking steps for the plaintiff evidence thrice, but steps were not taken by the plaintiff. Thereafter, vide order dated 03.04.2024, Additional Registrar (Judicial) ordered to produce the plaintiff on self responsibility. But none appeared today for adducing the evidence.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 12th June, 2024 (Pritam) CMP No. 1227 of 2022 in RSA No. 144 of 2016 AW-1 Statement of Shri Narinder Kumar S/o Late Shri Suraj Prakash, aged about 51 years, R/o House No. 341, Uppar Dhalpur, Near Bharti- Bharti School Dhalpur, Tehsil and District Kullu, Himachal Pradesh.

On Oath

13.06.2024 Stated that Smt. Krishan Devi is my mother. I am conversant with the litigation pending adjudication in the High Court, which has been filed by my mother. My mother has filed a contempt petition against the respondents. I have clicked the photographs which are annexed with the application with my mobile phone, 'Mark-A to Mark-C'. I am tendering the certificate under Section 65 B of the Indian Evidence Act regarding the clicking of the above said photographs with my mobile phone and the same are factually correct. The certificate is Ex. AW-1/A. After clicking the photographs from my mobile I got them developed from photographer Shri Pankaj whose photo studio is at Dhalpur.

Xxx xxx xxx Shri Bhupender Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the respondents.

I have kept the clicked photographs Mark 'A' to March 'C' in my mobile phone. I have not placed on record the original electronic record regarding clicking of CMP No. 1227 of 2022 in RSA No. 144 of 2016 the said photographs in the present case. It is correct that there is no mention of date and time on the photographs from which it could be ascertained on which date and at what time they have been clicked. It is incorrect that the photographs Mark 'A' to Mark 'C', is not as per the factual

position existing on the spot. It is correct that in photographs Mark `D-1 to D-4, are of the spot in which my house is apparent behind the brick wall, having greenish colour.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 13th June, 2024 (Pritam) CMP No. 1227 of 2022 in RSA No. 144 of 2016 AW-2 Statement of Shri Pankaj S/o Late Shri Subhash, aged about 40 years, R/o Pankaj Photo Studio, Dhalpur, Tehsil and District Kullu, Himachal Pradesh.

On Oath 13.06.2024 Stated that I have a photo studio in the name of Pankaj Photo Home Studio at Dhalpur, Kullu and our photo studio is in existence for the last 50 years. Prior to me my father use to run that photo studio. Shri Narender Kumar is not personally known to me, however, he came to my studio as a customer in the year 2022. Shri Narender had given me his phone for connecting it with the computer and to take out the prints of the photographs clicked by him in his mobile. I have developed the photographs Mark `A' to Mark `C', which are Ex. AW- 2/A, Ex. Aw-2/B and Ex. Aw-2/C. (Bjected to on the mode of proof).

Xxx xxx xxx Shri Bhupender Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the respondents.

Whenever some customer use to come for taking the printouts of the photographs I use to charge them as per the relevant prices. I also use to give the receipt of the payment whenever some customer demands the receipt. Ordinarily, I use to take about 50 printouts of CMP No. 1227 of 2022 in RSA No. 144 of 2016 the photographs of the customers. I do not use to maintain any record of the customers. I have not issued any receipt to Shri Narender Kumar, since he has not demanded it. I cannot provide the names of the customers who visited in my studio in the year 2022. It is correct that there is nothing on the photographs from which it could be inferred that the printout of the same has been taken from my studio. I have not kept the record in my computer regarding the photographs Ex. Aw-2/A to AW-2/C. Prior to the visiting of Shri Narender Kumar one person from a village came for the printouts of the photographs and after Shri Narender Kumar I took out passport photos of a person . I do not remember the names of the said person who visitited priot to and after Narender Kumar. I did not came to Shimla alongwith Shri Narender Kumar today. I met him outside the Court only. After receiving the summons in this case I did not contact Shri Narender nor I saw the above said photographs in his mobile. It is incorrect that I have not taken out the printouts of the above said photographs. It is incorrect that I am deposing false on the asking of Shri Narender Kumar.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 13th June, 2024 (Pritam) CMP No. 1227 of 2022 in RSA No. 144 of 2016 AW-3 Statement of Shri Sachin Thakur, S/o Shri Prem Singh Thakur, aged about 29 years, Junior Engineer, Municipal Council Kullu, District Kullu, Himachal Pradesh.

On Oath 13.06.2024 Stated that I have brought the original requisitioned record. I am working in the office of Municipal Council Kullu from August, 2022. Smt. Krishan Devi has filed one complaint through his son Manoj Kumar in the Municipal Council Kullu against Pushpa Devi. As per my record Smt. Krishna Devi has filed the said complaint on 09.09.2022. On the said complaint Executive Officer of Municipal Council Kullu issued a notice to Smt. Pushpa Devi, Dhan Raj,

Avneesh and Seema, on 06.12.2022. Smt. Pushpa Devi had submitted the Map of her house for the approval by the Municipal Council Kullu and the same has been approved by the Municipal Council on 23.05.2022. I alongwith Supervisor also visited the spot where the construction was being raised by Pushpa Devi. As per my observation Smt. Pushpa Devi has deviated from the approved map. Thereafter, Municipal Council Kullu issued notice to Smt. Pushpa Devi for removal of the construction raised by her beyond approved map. Smt. Pushpa Devi and others co-

CMP No. 1227 of 2022 in RSA No. 144 of 2016 owners have applied for the revised plan to Municipal Council Kullu on 26.12.2022. The said revised plan is pending for approval in our office.

Xxx xxx xxx Shri Bhupender Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the respondents.

It is correct that the building plan approved by the Municipal Council pertains to the construction on the land of Smt. Pushpa and other co-owners. The notice regarding removal of the unauthorized structure was given to Smt. Pushpa Devi after making the measurement on the spot. Smt. Pushpa Devi has applied for the revised map for which she has made deviation from the earlier approved map. It is correct that Municipal Council has the power to compound 10% deviation of the approved map.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 13th June, 2024 (Pritam) CMP No. 1227 of 2022 in RSA No. 144 of 2016 13.06.2024 Present:-

Shri Tek Chand, Advocate, for the applicant.

Shri Bhupender Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the respondents.

Learned counsel for the applicant submits that they have deposited an amount of Rs. 5000/- in compliance to the order date 20.12.2023, and the receipt is appended with the list of witnesses.

Statements of Shri Narender Kumar, Shri Pankaj and Shri Sachin Thakur, are recorded as AW-1 to Aw-3, respectively. Learned counsel for the applicant submits that the applicant could not come to the court due to illness and she will be produced on the next date of hearing on self responsibility.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date for remaining AWs.

Paras Doger Registrar (Judicial) 13th June, 2024 (Pritam)

14.06.2024 Present:-

Shri Aakash Thakur Advocate, vice Shri Arjun Lal, Advocate, for the plaintiffs.

Shri Prateek Pal, Advocate, vice Shri Vivek Sharma, Advocate, for the defendant.

As per office report, steps for summoning of plaintiffs witnesses have not been taken. Learned vice counsel for the plaintiffs submits that he will produce the plaintiffs witnesses on self responsibility.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date for PWs.

Paras Doger Registrar (Judicial) 14th June, 2024 (Pritam) CMP(M) No. 1315 of 2022 in RSA No. 104 of 2021

15.06.2024 Present:-

Shri Bhupinder Gupta, Senior Advocate with Shri Pranjal Munjal, Advocate, for the applicant.

Shri Atul G. Sood, Advocate, for the respondents.

Applicant is present today. However, learned Senior Counsel for the applicant submits that they have moved the application under Order XVI Rule 1 (3), read with Section 151 of CPC for examination of one more witness, which has not been mentioned in the list of witnesses. Learned Senior Counsel further submits that before examining the applicant, the application is required to be decided.

Since the above said application (CMP 9033 of 2024) is on record, therefore, at the first instance let the said application be listed before the Hon'ble Court. The applicant/witness present today is discharged.

Paras Doger Registrar (Judicial) 15th June, 2024 (Pritam) CMP(M) No. 753 of 2024 in RSA No. 112 of 2018 17.06.2024 Present:-

Shri Gaurav Chaudhary, Advocate vice Ms. Shweta Joolka, Advocate, for the applicant Shri Rohit and Shri Subhash Chander, Advocates vice Shri Dushyant Dadwal, Advocate for the respondent.

Learned vice counsel for the respondent submits that the respondent/contemnor Shri Rajesh Sood, has expired, therefore, no fruitful purpose will be served by examining the witnesses.

As per office report, witness Atul Sharma and Ishwar Dass Dogra are duly served and other witness Shri Ravinder Kumar has refused to take the service and non is present

today.

Since the contemnor has expired, therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 17th June, 2024 (Pritam) CMP No. 3307 of 2020 in RSA No. 242 of 2015 18.06.2024 Present:-

Shri Anil Kapoor, Advocate, vice Shri Nimish Gupta, Advocate for the applicant.

Shri Karun Negi, Advocate, for the respondents.

As per office report, steps for applicants witnesses have not been taken and the evidence is required to be produced on self responsibility today.

Learned vice counsel for the applicant submits that the witnesses are not present and they shall be produced on self responsibility on the next date of hearing.

In the meanwhile, list of witnesses be furnished within one week and the CMP No. 823 of 2024 be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 18th June, 2024 (Pritam) 19.06.2024 Present:-

Shri Sanjay Verma, Advocate, vice Ms. Shalini Thakur, Advocate, for the plaintiffs.

Shri G.D. Verma, Senior Advocate, with Shri and 2, along with Shri Ramesh Chand, defendant No.1.

Shri Tejasvi Sharma, Additional Advocate General, for defendant No. 3.

The remaining plaintiffs evidence are to be produced on self responsibility but learned vice counsel for the plaintiffs submits that due to their ill health, the witnesses could not come to the Court for adducing their evidence. Learned vice counsel seeks adjournment for today.

Accordingly, the adjournment sought for is allowed. Let the remaining PWs be produced on self responsibility on the next date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 19th June, 2024 (Pritam) 20.06.2024 Present:-

Shri Aman Thakur, Advocate, vice Shri Arun Kumar Verma, Advocate, for the plaintiff.

None for the defendants.

Learned vice counsel for the plaintiff submits that the plaintiff has expired and they will move the appropriate application for bringing on record the LR's of the plaintiff. Therefore, no witness is present today.

Let the case be listed before the Hon'ble Court as and when the application for bringing on record the LR's of the plaintiff will be filed.

Paras Doger Registrar (Judicial) 20th June, 2024 (Pritam) 21.06.2024 Present: Mr. Amit Sharma, Advocate, for the plaintiff.

Shri H.S. Upadhaya, Advocate, for defendant/ counter claimant.

Learned counsel for the plaintiff submits that despite information to the witness Shri Vikas Jain (PW-3), he has not turned up for his cross examination. Learned counsel further submits that this witness has shown his inability to come to Shimla today for the reasons best known to him.

Since the cross examination of this witness is deferred from the year 2019 on one pretext or the other and despite last opportunity he did not come for his cross examination. Learned counsel for the plaintiff further submits that the other witnesses mentioned in the list of witnesses can be examined after the cross examination of Shri Vikas Jain (PW-3), if required.

In that eventuality, the undersigned has no other option but to list the case before the Hon'ble Court for appropriate orders. Accordingly, the matter be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 21st June, 2024 (Pritam) CMP(M) No. 1328 of 2022 in RSA AW-2 Statement of Shri Sunil Kumar, Advocate, S/o Shri Jai Shiv Prakash aged about 36 years, Village Dhanroti, P.O. Purag, Tehsil Kotkhai, District Shimla, Himachal Pradesh.

On Oath 24.06.2024 Stated that I had been working with Late Shri Gulzar Singh Rathore, Advocate since 2014. One Shri Raj Kumar came to our office during the life time of Shri Gulzar Rathore in the 2nd week of January, 2020. Due to the winter vacation in the High Court Shri Gulzar Rathore, called that client after winter vacation in the month of March, 2020. Thereafter, due to the detection of Cancer to Late Shri Gulzar Singh Rathore, Advocate, he did not come to his Chambers. Thereafter, as per the advice of Shri Gulzar Singh Rathore, Advocate, client Shri Raj Kumar came to our Chambers in the month of March, 2020. I informed Shri Raj Kumar that due to ill health of Shri Gulzar Singh Rathore, he is not coming to the Court as well as his Chambers. I also informed Shri Raj Kumar that as and when Shri Gulzar Singh Rathore, will come to the Court as well as his Chambers, you will be informed accordingly. Thereafter, due to the outbreak of CRONA pandemic, we did not contact Shri Raj Kumar. On 17.03.2021, Shri Gulzar Singh Rathore, expired. I did not contact Shri Raj Kumar in between March, 2020 to March, 2021. After the death of Gulzar Rathore, Shri Raj Kumar CMP(M) No. 1328 of 2022 in RSA came to his chambers in December, 2021 and met me. He asked from the as to why Shri Gulzar Rathore is not picking up his phone then I

informed him about the death of Shri Gulzar Singh Rathore. Shri Gulzar Rathore was having his office at Vidhi Nikunj. When Shri Raj Kumar contacted me after the death of Shri Gulzar Rathore, I tried to search his file in his office but I could not find the same in the Chambers. I also informed Shri Raj Kumar that some files were being placed by Shri Gulzar Rathore in his office at home and that file may be in his home. When I shifted the office of Shri Gulzar Rathore to my chambers at Sita Bhawan near Jodha Niwas Jakhoo, then I traced out the file of Shri Raj Kumar in August, 2022. Thereafter, I telephonically informed Shri Raj Kumar about the tracing of his file. In the month of August, 2022, Shri Raj Kumar came to my chambers and took his file with him.

Xxx xxx xxx Shri Surinder Saklani, Advocate, for the respondents.

I am practicing as an Advocate since 2014 with Shri Gulzar Rathore. Shri Gulzar Rathore was having two junior except myself. Self stated that I was handling his work in the High Court only after 2016. I have not gone through the file which was handed over by Shri Raj Kumar to Shri Gulzar Rathore. It is correct that during winter vacation the Registry and filing is open. I do not know why Shri Gulzar Rathore had called Raj Kumar after vacation. Self stated that Shri Gulzar Rathore use to go to Channai alongwith his wife for the treatment of his wife. When Shri Raj Kumar visited our office in the month of March, 2020, at that time the Cancer was detected to Shri Gulzar Rathore and due to which I informed Shri Raj Kumar that as and when he will come, he will inform you. During the treatment of Shri Gulzar Rathore I use to see his cases in the Court. Self stated that during that time no fresh cases were being filed from the office of Shri Gulzar Rathore or on his behalf. I use to bring the case files which were being listed in the Court and which were kept by Shri Gulzar Rathore in his office at Vidhi Nikunj. However, the files which were kept by Shri Gulzar Rathore in his home office were not brought to the Court. It is correct that the files which were in the office at Vidhi Nikunj were easily available for bringing it to the court and I have easy access to them for bringing it to the Court. It is correct that in December, 2021, Shri Raj Kumar met me in Vidhi Nikunj Chambers of Shri Gulzar Rathore. It is correct that at that the present matter was not filed in the Court. Self stated that I tried to trace the file but could not find at that time. Shri Raj Kumar never disclosed about the pendency of any Execution Petition in the trial Court. It is incorrect that Shri Gulzar Rathore never asked Shri Raj Kumar to come in the month of March, 2020. It is incorrect that the file was readily available in the office. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th June, 2024 (Pritam) CMP(M) No. 1328 of 2022 in RSA 24.06.2024 Present: Mr. Rajiv Chauhan, Advocate, for the applicant.

Shri Surinder K. Saklani, Advocate, for the respondents.

State of Shri Sunil Kumar is recorded as AW-2. Learned counsel for the applicant vide his separate statement has closed the evidence on behalf of the applicant.

Learned counsel for the respondents seeks time for RWs. Let the steps be taken within fifteen days, thereafter the process be issued for service of RWs for the date to be fixed by the Additional Registrar (Judicial) Paras Doger Registrar (Judicial) 24th June, 2024 (Pritam) Statement of Shri Rajiv Chauhan, Advocate, High Court of Himachal Pradesh, Shimla.

Without Oath 24.06.2024 Stated that I close the evidence on behalf of the applicant since the list of witness has been exhausted.

RO&AC (Paras Doger) Registrar (Judicial) 24th June, 2024 (Pritam) CMP (M) No. 794 of 2024 in RSA No. 148 of 2007 25.06.2024 Present: Mr. Abhishek, Advocate vice Ms. Rachna Kuthiala, Advocate, for the applicant.

None for the respondents.

As per office report, steps i.e. list of witnesses, road and diet money for service of the witnesses has not been filed by the applicant. Learned vice counsel for the applicant seeks some more time for doing the needful.

Let the steps be taken within fifteen days, thereafter the process be issued for service of AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 25th June, 2024 (Pritam) 25.06.2024 Present: Shri Rohit, Advocate, vice Shri Sumit Sood, Advocate, for the plaintiffs None for defendants No. 1 to 6.

As per office report, the matter was listed for plaintiff's evidence but subsequently, a report has been received that the plaintiff has moved an application under Order XVIII Rule 3A, read with Section 151 CPC for permitting the plaintiff to adduce evidence at the later stage after the examination of the other witnesses.

As per the report of the Dealing Assistant, summons to the other witnesses could not be issued due to inadvertence, therefore, no witnesses are present today.

Since an application under Order XVIII Rule 3A CPC, has been filed by the plaintiff, therefore, at the first instance, the same may be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 25th June, 2024 (Pritam) OMP No. 620 of 2009 in Civil Suit No. 66 of 1998 26.06.2024 Present: Shri Mehar Chand, Advocate, for the non-

applicant.

Shri Ajeet Pal Singh Jaswal, Advocate, vice Shri Janesh Gupta, Advocate, for the applicants.

As per office report, steps for applicants evidence are not taken by the applicant. Learned vice counsel for the applicant submits that they will file the list of witnesses and bring the evidence on self responsibility.

Accordingly, let the list of witnesses on behalf of the applicant be filed within fifteen days and the witnesses be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).



Paras Doger Registrar (Judicial) 26th June, 2024 (Pritam) 27.06.2024 Present: Shri Ashwani Pathak, Senior Advocate with Shri Dev Raj, Advocate, for the plaintiff.

Shri Pranjal Munjal, Advocate vice counsel for the defendant.

As per office report, plaintiff's witnesses at Sl. No. 3 and 7 are duly served and PW at Sl. No.6, is reported to be un-served for the want of correct address. Witnesses Shri Sunil Suman and Shri Neeraj Kumar, Manager Blue Dart are present.

Learned vice counsel for the defendant submits that the Senior Counsel is out of station due to demise of his father and he seeks adjournment on that ground. Adjournment sought by the learned vice counsel for the defendant is not opposed by the learned senior counsel for the plaintiff.

Accordingly, the matter is adjourned for today. Learned counsel for the plaintiff further submits that the witness Shri Neeraj Kumar has not brought the original requisitioned record today due to which the documents which are required to be proved may not be proved in accordance with law.

Hence, the witnesses present today are discharged. Let the correct address of PW mentioned at Sl. No.6 in the list of witnesses be filed within fifteen days and the witnesses who are present today be summoned again along with the witness mentioned at Sl. No.6 for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 27th June, 2024 (Pritam) 28.06.2024 Present: Shri Sidhant Maniktala, Advocate, vice counsel for the plaintiff.

Shri Balvinder Singh Ballu, Deputy Advocate General for the respondents-State.

As per office report, the plaintiff was required to be produced on self responsibility today for adducing his evidence, however, learned vice counsel for the plaintiff submits that due to some personal difficulty he could not come to the Court today.

Learned vice counsel for the plaintiff seeks adjournment for today. Granted.

Let the case be listed before the Additional Registrar (Judicial) for fixing the next date for plaintiff's evidence, who shall be produced on self responsibility.

Paras Doger Registrar (Judicial) 28th June, 2024 (Pritam) AW-1 Statement of Shri Jaram Singh, S/o Shri Munshi Ram, aged about 68 years, Village Sapera, P.O. Boh, Tehsil Shahpur, District Kangra, Himachal Pradesh.

On Oath 01.07.2024 Stated that I illiterate. The respondent Babu Ram had filed a Civil Suit against me before the trial Court, which was decreed by the trial Court. Thereafter, I filed an appeal before the first appellate Court at Dharamshala, which was decided on 05.01.2022. I could not file the present appeal before the Hon'ble High Court in time because my Advocate at Dharamshala did not

inform me about the decision of the appeal at Dharamshala. I received a notice for possession on 13.03.2023, issued by the Revenue Officer, on which I came to know that my appeal has been decided by the Appellate Court at Dharamshala. Thereafter I contacted my Advocate at Dharamshala but he informed me that my case is still pending and the dates are being fixed by the Court. He also took fees from me. Thereafter, I contacted another Advocate to know the status of my case on which I came to know that my appeal at Dharamshala, had already been decided on 05.01.2022. Thereafter, I took the record pertaining to my case from the Advocate which was engaged by me at Dharamshala. Thereafter, I came to Shimla in the month of March, 2023, and handed over all the documents to the Counsel at Shimla for filing the appeal. Accordingly, my Advocate at Shimla filed the appeal on 24.03.2023. There was neither any willful or intentional delay on my part and the delay, if any, is due to the above stated reasons.

Xxx xxx xxx Shri Sanjay Jaswal, Advocate, for non-applicant/ respondent.

It is correct that Shri Babu Ram is owner of the disputed land. I am owner of four vehicles. I have three sons. My eldest son is 8th pass. MY second son is 10 th pass and my youngest son is 12 th pass. It is incorrect that I have installed a sawmill on the disputed land. It is incorrect that my counsel at Dharamshal informed me about the dismissal of the appeal on 05.11.2022. It is correct that I have not applied certified copy of the decision of the Appellant Court at Dharamshal, however, I have collected all the documents from my Advocate at Dharamshala. It is correct that my counsel had filed one CMPMO before the Hon'ble High Court against the warrant of possession. It is incorrect that I have intentionally not filed the appeal well in time. I do not know that in the Execution Petition 2 of 2020 pending adjudication before the Court of Senior Civil Judge, Dharamshala, my counsel had sought the time for filing the objections when the case was listed in that Court in the year 2021. It is incorrect that I was well aware about all the decisions of my case in the Courts and just to harass the respondent and delay the possession, I filed the present appeal and the CMPMO in the High Court.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 1st July, 2024 (Pritam) Statement of Shri Goldy Kumar, Advocate, High Court of Himachal Pradesh, Shimla.

Without Oath 01.07.2024 Stated that I close the evidence on behalf of the applicant since the list of witnesses has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 1st July, 2024 (Pritam) 01.07.2024 Present: Shri Goldy Kumar, Advocate for the applicant.

Shri Sanjay Jaswal, Advocate, for the non- applicant.

Statement of Shri Jaram Singh is recorded as AW-1. Learned counsel for the applicant vide his separate statement has closed the evidence on behalf of the applicant.

Learned counsel for the non-applicant/respondent seeks time for Rws. Let the steps, if any, be taken within fifteen days, thereafter the process be issued for the service of Rws returnable for the date to

be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 1st July, 2024 (Pritam) 02.07.2024 Present: Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate along with plaintiff Shri Karan Verma.

Shri Ashok Kumar, Advocate vice Shri V.D. Khidtta, Advocate for the defendants.

As per the office report, summons issued to PWs mentioned at Sl. Nos. 1 and 2 in the list of witnesses are duly served. Shri Yog Raj, Record Keeper from the office of District Judge, Shimla and Ms. Anju Sharma, Civil Ahlmad from the office of Civil Judge Court No.6, Shimla are present.

Learned senior counsel for the plaintiff submits that the plaintiff is required to be examined after the examination of the official witnesses since his statement is based upon the official record which is to be produced and proved by the other official witnesses. Therefore, learned senior counsel seeks adjournment for the examination of the plaintiff today.

Learned senior counsel further submits that he will move the appropriate application under Order XVIII Rule 3A CPC for the exemption of examining the plaintiff at the first instance.

Accordingly, the matter is adjourned and the same be listed before the Hon'ble Court as and when the appropriate application will be filed by the plaintiff. The witnesses present today are also discharged for today.

(Paras Doger) Registrar (Judicial) 2nd July, 2024 (Pritam) 02.07.2024 Present: Ms. Sunita Sharma, Senior Advocate with Shri Tawarsu, Advocate, for the plaintiff.

Defendants No. 2 and 3 already ex-parte. Suit against defendants No. 4 to 6 stand dismissed vide order dated 19.12.2003. Shri Rahul Mahajan, Advocate, for defendant No.7.

As per the office report, list of witnesses and process fee have been filed, however, diet money has not been deposited.

Learned counsel for the plaintiff submits that they will deposit the diet money within a week.

Accordingly, after the depositing the diet money let PW at Sl. No.1, in the list of witnesses be summoned for 26.09.2024.

(Paras Doger) Registrar (Judicial) 2nd July, 2024 (Pritam) CMP (M) No. 963 of 2022 in RSA No. 195 of 2021 AW-3 Statement of Shri Rajesh Kumar, Patwari, Patwar Circle Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.

On Oath 03.07.2024 Stated that presently I posted as Patwari, Patwar Circle Jahu, Tehsil Bhoranj, District Hamirpur, H.P. from August, 2022. I have brought the original requisitioned record. Legal heir certificate Ex AW-3/A, has been duly issued by me under my signature on 28.06.2022, which is

true and correct as per the original record brought by me (original seen and returned).

xxx xxx xxx Shri Atharv Sharma, Advocate, for non-applicant/respondents No. 1 to 3.

Opportunity given. Nil.

xxx xxx xxx Shri Nitin Rishi, Advocate, vice Shri Ashwani Kumar Sharma, for respondent No.8.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd July, 2024 (Pritam) CMP (M) No. 963 of 2022 in RSA No. 195 of 2021 AW-4 Statement of Shri Raj Kumar, S/o Shri Sita Ram, aged about 47 years R/o Village Jahu Khurad Tappa Mewa, P.O. Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.

On Oath 03.07.2024 Stated that I came to know about the death of Shri Ram Krishan when I received the letter from my Advocate at Shimla whereby he informed me that Shri Ram Krishan has been reported to have been died by the process serving agency. My counsel at Shimla asked me to procure the Death Certificate and Legal heir certificate from the Secretary Gram Panchayat Jahu and send it immediately to him. I immediately went to Secretary Gram Panchayat Jahu but due to the strike of the Secretaries of the Gram Panchayats at that relevant time, I could not procure the Death and legal heir certificate from the Gram Panchayat. Thereafter, I went to the concerned Patwari of Jahu, who issued legal heir certificate Ex. PW- 3/A to me. Thereafter, I handed over the same to my counsel, who filed the appropriate application before the Court.

xxx xxx xxx Shri Atharv Sharma, Advocate, for non-applicant/respondents No. 1 to 3.

The distance between my house and Ram Krishan house is about 3 Kms. Self stated that Shri Ram Krishan use to stay in the village, however, I have CMP (M) No. 963 of 2022 in RSA No. 195 of 2021 constructed my house in District Bilaspur. I do not remember the dates when the strike of Secretaries of the Gram Panchayat was going on. It is incorrect that I was well aware about the death of Shri Ram Krishan but I have intentionally not informed my Advocate regarding the death of Shri Ram Krishan.

xxx xxx xxx Shri Nitin Rishi, Advocate, vice Shri Ashwani Kumar Sharma, for respondent No.8.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd July, 2024 (Pritam) CMP (M) No. 963 of 2022 in RSA No. 195 of 2021 Statement of Shri Raj Kumar, S/o Shri Sita Ram, aged about 47 years R/o Village Jahu Khurad Tappa Mewa, P.O. Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.

Stated that I close the evidence on behalf of the applicant, since the list of witnesses has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 3rd July, 2024 (Pritam) CMP (M) No. 963 of 2022 in RSA No. 195 of 2021 03.07.2024 Present: Shri G.D. Verma, Senior Advocate, with Shri Sumit Sharma, Advocate, for the applicant.

Shri Athrav Sharma, Advocate, for respondents No. 1 to 3.

Shri Nitin Rishi, Advocate, vice Shri Ashwani Kumar Sharma, Advocate, for respondent No.8.

Statement of Shri Rajesh Kumar and Shri Raj Kumar are recorded as AW-3 and AW-4, respectively. Vide separate statement, the applicant Shri Raj Kumar has close the evidence on behalf of the applicant.

Learned counsel for the respondents seeks time for Rws.

Let the steps, if any, be taken within fifteen days thereafter the process be issued for service of RWs returnable for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 3rd July, 2024 (Pritam) CMP (M) No. 891 of 2022 in RSA No. 46 of 2017 RW-1 Statement of Shri Bhupender Kumar, Patwari, Patwar Circle Khaneol Bagra, P.O. Khaneol Bagra, Tehsil Karson, District Mandi, Himachal Pradesh.

On Oath 04.07.2024 I am working as Patwari, Patwar Circle Khaneol Bagra, from November 2021. I have brought the original requisitioned record. As per the latest revenue record, i.e. Jamabandi Ex. AW-1/A, Khasra No. 1658 is in the ownership of different co-owners. Shri Pitamber, Shri Bhupender and Shri Khem Raj are also co-owners of the said Khasra number. Late Shri Gopi Chand was also one of the co-owner of the said Khasra number and now his legal heirs has been entered in his place after his death. As per the record, Shri Pitamber, Shri Bhupender and Shri Khem Raj inherited property in Khasra nuymber 1658 from their forefathers. Khasra No.. 1658 is joint property of all the co-owners. Original seen and returned.

xxx xxx xxx Shri G.R. Palsra, Advocate, for the applicants.

It is correct that as per the revenue record Shri Purshotam is one of the co-owner of Khasra No. 1720, of the property situated at Mohal Shauhat, Tehsil Karsog, District Mandi. It is correct that as per revenue record Shri Purshotam has executed a will in favour of Shri CMP (M) No. 891 of 2022 in RSA No. 46 of 2017 Pitamber Lal, Shri Bhupender and Shri Khem Raj. Self stated that Khasra No. 1720 is also a joint property.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 4th July, 2024 (Pritam) CMP (M) No. 891 of 2022 in RSA No. 46 of 2017 04.07.2024 Present: Shri G.R. Palsra, Advocate, for the applicant.

Shri O.P. Chauhan Advocate with Ms. Shikha Chauhan and Shri Khushi Ram Verma, Advocates, for the respondents.

Statement of Shri Bhupender Kumar Patwari, is recorded as RW-1. As per the office report, the summons issued for the service of witness mentioned at Sl. No. 2, is duly served.

Learned counsel for the respondents submits that they have been telephonic ally informed by the witness at Sl. No.1 that due to heavy rainfall and blockade of road he could reach the Court today. Therefore, learned counsel seeks adjournment for recording his statement.

Accordingly, the adjournment is granted. Let the witness at Sl. No. 1 be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 4th July, 2024 (Pritam) PW-1 Statement of Shri Shashank Jhawar S/o Shri Ashok Kumar Jhawar, aged 33 years, R/o B- 250, Phase-I, Ashok Vihar, Delhi-110052.

On Oath 05.07.2024 Stated that I am Special Power of Attorney Holder of my uncle Shri Anand Raj Jhawar and I have been duly authorized vide Special Power of Attorney Ex.PW-1/A, to represent my uncle and to adduce on his behalf in the present case. The R.R. Agrotech., had entered into an agreement Ex.PW-1/B (four leaves) with the defendants. The terms and conditions of the agreement are in the entered in e-tender document (MTF), which is Ex.PW-1/C (111 leaves). The works to be executed as per the agreement Ex.PW-1/B, had been mentioned in Bill of quantity (BOQ), WHICH IS Ex. PW-1/D, ( 8 leaves). At the time of filing the tender all the rates pertaining to the item No. 1 to 141, which has been mentioned in BOQ were quoted by the plaintiff firm and on the said rates, the defendants accepted the tender of the plaintiff firm. The plaintiff firm had quoted the rates in BOQ Ex. PW-1/D on the basis of CPWD rates contained in Delhi Schedule of Rates (DSR) and Delhi Schedule of Rates Analysis (DSA). The dispute in the present lis is pertaining to item No. 140 and 141 mentioned in BOQ, Ex.PW-1/D. The dispute is regarding the item 140 and 141, i.e. site development. As per item No. 140, the earth is to excavated by mechanical means (Hydraulic Excavator) including disposal of excavated earth within all leads and lifts. Disposed earth to be levelled and neatly dressed. In item No. 141, the carriage and disposal of earth by mechanical means/transport including loading uploading and stacking at contractors' risk upto 5 kilometers. For both these items, the quantity mention in the BOQ is 84960.00 Cubic Meter (CUM), whereas the rate for each item is separately mentioned and agreed upon. When plaintiff firm started the excavation work in April 2018 and reached upto around six thousand cubic meters, the said excavated earth was dumped to the site allotted by the the FCI.

The said site was objected to by the Pollution Control Board and the FCI stopped us from dumping the earth on that site allotted by them. The Pollution Control Board took up the matter with FCI officials vide letter dated 11.06.2019, which is `Mark -A'. Thereafter, the plaintiff firm asked the defendants to provide the alternate dumping site at the earliest so that the execution of the work should hamper. The defendants asked the plaintiff firm to locate any alternative dumping site at our own as they are paying them as per item No. 141 of BOQ. The letter dated 11.03.2019, pertaining to that effect is `Mark- B'. On the letter dated 11.03.2019, `Mark -B', the plaintiff firm started to locate the alternate dumping site which were about 12 kilometer from the site. Three different sites located by the plaintiff firm were informed to the defendants and the defendants have approve all the three

sites. Thereafter, the defendants constituted a committee and visited all the three sites. Since as per item NO. 141 of BOQ, only the sites upto five Kms., were mentioned but since the sites located by the plaintiff firm beyond five Kms., therefore, the defendant company approved the new rates for the transpiration and other incidental expenses which is 'Mark -C'. The plaintiff firm excavated about 1 lacs 6 thousand cubic meter earth in total out of which about six thousand cubic meter were dumped already allotted by the defendants and about 99000 cubic meters earth excavated was dumped by the plaintiff firm in the newly located site. The plaintiff firm raised the first three bills which are Mark -D', 'Mark -E', and Mark -F', qua excavation and dumping of the earth to the defendant company in which the defendant company paid upto five kilometers as per the item No. 141 of the BOQ only. However, the plaintiff firm received the entire payment qua item No. 140 of the BOQ. So far as the payment qua extra seven kilometers was concerned that was not within the the preview of the concerned AGM, therefore, he sent the proposal for payment of the additional distance upto seven kilometers to the Zonal Office of the defendant at Noida. All the work done pertaining to excavation and dumping of the earth/soil upto one lac and six thousand cubic meters was entered in their Measurement Book (MB) in the defendant record 'Mark-G' (four leaves). The proposal send by the AGM of the defendants to his Zonal Office was not accepted by the Zonal office and they declined to pay any amount under item No. 141 of the BOQ. On 15.05.2019, the plaintiff firm raised the fourth bill 'Mark-H', to the defendants but to the utter surprise of the plaintiff firm the defendants adjusted all the payments made earlier to the plaintiff firm under item No. 141 of the BOQ, which were paid under Bill 1 to 3 and did not pay the amount which was raised in the fourth bill pertaining to item No. 141 of BOQ. Thereafter, the plaintiff company came to know that the defendants have denied the all the payments qua item No. 141 of the BOQ. The information to that effect was also received by the plaintiff firm vide letter dated 31.05.2019 'Mark-J'. Thereafter the plaintiff firm contacted the General Manager of the defendants and raised out grievances vide letter Ex.PW-1/E. The plaintiff firm again vide letter dated 06.09.2019, Ex.PW-1/F, send a notice under Clause 25 (1) of the Contract Agreement, which is Ex.PW-1/F. On the notice of the plaintiff firm the defendants/Executive Director Engineering, Delhi constituted a committee and the committee authorized the General Manager of the defendants to give the reply qua the notice send by the plaintiff firm, who had already rejected the claim of the plaintiff firm. The plaintiff firm excavated the earth in total about 1.53 lacs cubic meters as due to the excavation of the land slopes/gradients were changed. After the completion of excavation work about one lacs six thousand cubic meters, the additional work which was done by the plaintiff firm qua the excavation and dumping of about 47000 cubic meters, the defendants paid us on the basis of market rates prevailing at that time instead of rates mentioned in the contract as well as for covering the extra distance of seven Kms. The defendants clubbed all the rates as per their convenience and paid the composite amount of Rs.416/- per cubic meter. The additional work was executed by the plaintiff firm in the year 2021. The defendants gave the approval for dumping and excavation about 47000 cubic meters after two years, due to which the plaintiff firm could not proceed further for the construction work and the prices of the material and other ancillary has also increased by that time. Since the defendants did not adhere to the terms and conditions of the agreement and did not pay the amount due to the plaintiff firm as per the contract, the plaintiff firm was constrained to file the present suit for the payment of the work done by them. As of date the work on the site is going on as the defendants has given the extension for completion of the work up till 31.07.2024.

xxx xxx xxx Shri Peeyush Verma, Advocate, for the defendants.

The owner of the plaintiff firm is Shri Anand Raj Jhavar. As of date Shri Anand Raj Jhavar is in the State of Assam due to the other business purposes. It is incorrect that Shri Anand Raj Jhavar is hail and hearty, however, he is fit to make statement. Self stated that he has executed the Special Power of Attorney to lookafter this case. It is incorrect that I have stepped into the present dispute only at the stage of the filing of the case. Self stated that I was also looking after the work of the present project in dispute. It is correct that before my authority as Special Power of Attorney Shri Rajinder Jhavar was Special Power of Attorney Holder of Shri Anand Raj Jhavar. It is incorrect that before the execution of the Special Power of Attorney in my favour Shri Anand Raj Jhavar and Shri Rajinder Jhavar were dealing with the defendants qua this project. Self stated that they were leading the project with the defendants and I was also associating them under their command. It is correct that I have not personally made any communication pertaining to this project with the defendants. It is correct that the plaintiff firm received the letter of acceptance pertaining to this project vide letter dated 10.04.2018, which Ex. D-1. It is correct that the letter of commencement of the project was issued to the plaintiff firm vide letter dated 26.04.2018, which is Ex. D-

2. The completion period of the present project was 18 months. It is correct that before the finalization of the BOQ, the AGM of the defendants vide letter dated 12.02.2018, Ex. D-3, had sought the clarification pertaining to item No. 141. It is correct that vide letter dated 20.02.2018, Ex. D-4, a response was received from the office of General Manager (Engg.) stating to take action as per the provision of BOQ of MTF. It is correct that vide letter dated 10.04.2019, Ex. D-5, the AGM again sought the clarification from the General Manager Civil Engineer FCI, Regional Office Chandigarh. It is correct that vide letter dated 10.05.2019, Ex. D-6, again the clarification was received whereby it has been stated that the rate pertaining to item No.141 will be as per BOQ. It is correct that vide letter dated 31.05.2019, Ex. D-7, the AGM Engg. Informed the plaintiff firm about the said fact. It is correct that thereafter vide letter dated 06.06.2019 Ex. D-8, and letter dated 06.09.2019, Ex. D- 9, the plaintiff firm made a representation to defendants. It is correct that on the representation of the plaintiff firm, the defendants constituted a committee of GM (Engg.) HQRS, FCI, GM (Engg. NZ) and GM (Legal) HQRS, which submitted its report which is Ex. D-10 ( 10 leaves). It is correct that the decision of the committee was communicated to the plaintiff firm vide letter dated 21.01.2020, Ex. D-11. I am not aware that after the receipt of the communication EX.D-11, the plaintiff firm has made a representation to the CMD of the defendants on 03.02.2020. It is correct that in reference to representation dated 03.02.2020 a communication was received vide letter dated 24.03.2020 EX.D-12. It is correct that the plaintiff firm received a communication dated 22.11.2022, EX.D-13 (five leaves) qua not doing the work within the prescribed period and slow progress of the work. It is correct that thereafter the plaintiff firm received reminders dated 29.11.2022, 16.12.2022, 03.01.2023, 11.01.2023, 12.01.2023, 23.01.2023, and 27.01.2023, which Ex. D-14 to Ex. D-20, respectively. It is incorrect that the plaintiff company has received a show cause notice `Mark-K'. I do not remember whether any response was made by the plaintiff firm regarding the reminders which are Ex. D-14 to D-20. I do not remember whether the any response was given by the plaintiff firm to the notice `Mark-K'. I have not placed on record any document from which it could be inferred that FCI has given the extension up till 31.07.2024.



It is correct that in Para-7 of the plaint it has been mentioned that the expression all Leads and Lifts under item No. 140 was clarified by the defendants themselves upto 50 meters or within the plot area. Self stated that pertaining to that a letter dated 10.04.2019, Ex. D-5., has been annexed on record and Delhi Schedule Rates (DSR) has already been annexed on record. It is correct that it has been specifically mentioned in para-9 of the plaint that defendant No.5 was well within his power under delegation of powers as well as terms of the agreement to modify the distance and rates under item No. 141 applicable for disposal of earth as per functional requirements/conditions prevalent on site. To that effect a letter dated 11.03.2019 Mark- `B', was received from the AGM (Civil). After the adjustment of the payments in the fourth bill against item No. 141 of BOQ, the plaintiff firm made the representation qua release of the payments of pertaining to item No.141, which are in the document Ex. PW-1/F. Vide letter date 11.03.2019 Mark -B issued by the defendants, the defendants asked the plaintiff firm to locate any other suitable dumping site for the excavated material. Self stated that there was no instruction in the said letter qua stopping the dumping of the excavated earth. It is incorrect that since the plaintiff firm could not executed the work well in time, therefore, in order to pressurize the defendants a false case has been filed against the defendants. It is incorrect that as per the terms of the BOQ the defendants are not liable to pay any amount pertaining to item No. 141. It is incorrect that the defendants never gave any concession to the plaintiff firm regarding all leads and lifts to be restricted only upto 50 meters under item No. 140. It is incorrect that I am not aware about the entire factual position of the present case and therefore, I am not competent to testify on behalf of the plaintiff firm. It is incorrect that I am deposing false. R.O. & A.C. (Paras Doger) Registrar (Judicial) c 05.07.2024 Present: Ms. Madhu P. Singh and Shri P.P. Singh, Advocates a/w Shri Praveen Chauhan, Advocate for the plaintiff.

Shri Peeyush Verma, Advocate, with Shri Ajay Sharma, Advocate, for defendants No. 1 to 5.

Statement of Shri Shashank Jhawar, is recorded as PW-1. Let the Pws at Sl. No. 2 and 3 in the list of witnesses be summoned for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 5th July, 2024 (Pritam) Submitted that this is to inform you that there is no separate Data Unit in our High Court and one Clerk has been deputed to deal with such matters. However, this Data Unit can be created by appointing separate professional staff.

Moreover, the matter pertaining to establishment of Separate Data Unit comprising of professional staff for handling of analysis of the Judicial Data pertains to the Establishment Branch. Therefore, Ld. Registrar (IT) is requested to send the said information to the concerned Branch.

(Paras Doger) Registrar (Judicial) Ld. Registrar (IT) Submitted that this is to inform you that there is no separate Data Unit in our High Court and one Clerk has been deputed to deal with such matters. However, this Data Unit can be created by appointing separate professional staff.

Moreover, the matter pertaining to establishment of Separate Data Unit comprising of professional staff for handling of analysis of the Judicial Data pertains to the Establishment Branch. Therefore, the information as above is submitted for information and necessary action at your end.

(Paras Doger) Registrar (Judicial) 06.07.2024 Ld. Registrar (IT) PW-1 Statement of Ms. Kanak Gour, Senior Technical Assistant, Office of Registrar of Companies, Delhi and Haryana, Nehru Place, New Delhi.

On Oath 08.07.2024 I am working as Senior Technical Assistant in the office of Registrar of Companies, Delhi and Haryana, Nehru Place, Delhi, from the year 2014. I have brought the original requisitioned record. I have been duly authorized vide office order dated 04.07.2024, Ex. PW- 1/A, by Deputy Registrar of the Companies to adduce and make statement on his behalf and present the record. I have brought certified copies of certificate of incorporation of plaintiff company, which is Ex. PW-1/B. The list of the present Directors is Ex. PW-1/C, and Form 32 of Shri N.S. Ghumman is Ex. PW-1/D. The certified copy of the information of the company with the Ministry of Corporate Affairs is Ex. PW-1/E. All the above said documents are computer generated and the certificate under Section 63 (4) of Bhartiya Sakshaya Adhiniam 2023 is Ex. PW-1/F, which has been duly issued by Deputy Registrar of Companies NCT Delhi and I identify his signature, which is in red Circle 'A'.

xxx xxx xxx Shri Janesh Gupta, Advocate vice Shri Ajeet Pal Singh Jaswal, Advocate , for defendants No. 2 and 3.

It is correct that I have not brought the record pertaining to the change in the Directorship of the plaintiff company. Self stated that it has not been requisitioned from the Registrar of the Companies.

xxx xxx xxx Shri Somesh Sharma, Advocate, vice Shri Karun Negi, Advocate for defendant No. 1.

I adopt the cross examination by defendants No. 2 and 3.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 8th July, 2024 (Pritam) 08.07.2024 Present: Shri Navneet Bhalla, Advocate, for the plaintiffs.

Shri Somesh Sharma, Advocate, vice Shri Karun Negi, Advocate, for defendant No.1.

Shri Janesh Gupta, Advocate, vice Shri Ajeet Pal Singh Jaswal, Advocate for defendants No. 2 and

3. Statement of Ms. Kanak Gour, is recorded as PW-1. Learned vice counsel for the defendants submit that they have no objection in case this particular is examined prior to the examination of the plaintiff. Therefore, this witness is examined today prior to the examination of the plaintiff.

Shri Rakesh Kumar Verma, Shri N.S. Ghumman and Shri Manoj Tiwari are also present today, but the learned vice counsel for the defendants No. 2 and 3 submits that due to the non-availability of learned Senior Counsel, due to exigency in his family, he seeks adjournment for cross examination of these witnesses. Learned counsel for the plaintiff has not objected to the request made by the learned counsel for defendants No. 2 and 3.

Accordingly, the other witnesses, who are present today are discharged. Let the witness at Sl. No. 1 and 3 in the list of witnesses be produced on self responsibility by the plaintiff and fresh summons be issued for the service of PW, mention at Sl. No. 4 on taking fresh steps within fifteen days for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 8th July, 2024 (Pritam) 08.07.2024 Present: Shri Shashi Shirshoo, Advocate for the petitioner.

Shri Abhishek Nagta, vice counsel for the respondents.

As per office report, the verification pertaining to Bank Guarantee bearing No. 0506224BG0000241, dated 09.04.2024, has been received from the State Bank of India, Mohali, Punjab, which has been confirmed to be issued by the said Bank. Accordingly, the Bank guarantee furnished by the applicant-respondent is accepted.

Let the matter be further processed in terms of the order dated 27.03.2024, of the Hon'ble Court.

Paras Doger Registrar (Judicial) 8th July 2024 (Pritam) 09.07.2024 Present: Shri Somesh Sharma, Advocate, vice Shri Karun Negi, Advocate, for the plaintiff. Shri Janesh Gupta, Advocate for the defendant.

As per office report, summons for Dws could not be issued since the steps have not been taken by the defendant.

Learned counsel for the defendant seeks some more time for doing the needful.

Let the steps be taken within fifteen days, thereafter the process be issued for the service of Dws returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 9th July 2024 (Pritam) 09.07.2024: Present: Ms. Drishti Sirswal, Advocate vice Mr. Balwant Kukreja, for the petitioner/DH None for the respondent/JDs.

Steps for proclamation and warrant of sale have been taken. Let the warrant of sale be issued as per the following shedule:-

I. Date of Proclamation - 09.08.2024

2. Sale of property - 09.09.2024

3. Report - 30.09.2024 Paras Doger Registrar (Judicial) 9th July, 2024 (Pritam) PW-6 Statement of Ms. Ruchika Chauhan, Criminal Ahlmad, Court No.6, Civil & Sessions Division, Shimla.

On Oath 09.07.2024 I am working as Criminal Ahlmad Court No.6, since 2021. I have brought the original requisitioned record. The FIR No. 9 of 2014 Ex. PW 4/B is on record.

As per the record brought by me the GD entry No.12 (A) Mark `C', now Ex. PW-6/A (objected to on the ground that in original record Mark `C', is photocopy) and an application dated 15.04.2014 mark 'B' addressed to SHO Police Station by Apple Royal Merchant is on record brought by me today. The application dated 15.03.2014 Ex.PW 5/F is also on record brought by me (Original seen and returned).

xxx xxx xxx Shri Piyush Verma, Advocate , for defendants No. 5 and 6.

It is correct that the record brought by me today pertains to the cancellation of the FIR No.9/2014, dated 20.03.2014 registered at Police Station New Shimla. It is correct that as per record the complainant was duly served on 1.8.2015 and he has put his appearance through his counsel in the Court. It is correct that as per the record after repeated opportunities the complainant had filed the objections on 27.02.2023. It is correct that the cancellation report is still pending adjudication before Court No. 6.

xxx xxx xxx By Jeevesh Sharma for defendants No. 1 to 4.

I adopt the cross examination by defendants No. 5 and 6 .

R.O. & A.C. (Paras Doger) Registrar (Judicial) 9th July, 2024 (Pritam) 10.07.2024: Present: Shri Ajay Kumar Dhiman, Advocate, for the plaintiff.

Ms. Madhurika Sekhon, Advocate, for the defendant.

As per the order dated 06.05.2024, the plaintiff has to produce his witnesses on self responsibility. However, learned counsel for the plaintiff submits that the witnesses are not present today and he seeks adjournment for today.

The adjournment sought by the learned counsel for the plaintiff is not objected by the learned counsel for the defendant. Accordingly the matter is adjourned for today.

Let the case be listed before Additional Registrar (Judicial) for fixing the date for plaintiff's evidence on which date the witnesses shall be produced by the plaintiff on self responsibility.

Paras Doger Registrar (Judicial) 10th July, 2024 (Pritam) 09.07.2024: Present: Mr. Parmod Thakur, Advocate for the plaintiff.

Mr. Jeevesh Sharma, Advocate for defendants No. 1 to 4.

Mr. Peeyush Verma, Advocate for As per the office report Sh. Imran Khan, witness mentioned at serial No.1 in the list of witness is duly served despite repeated calls but none appeared on his behalf. Witness mentioned at serial No. 2 in the list of witness is also served who is present in the Court and her (Ms.Ruchika Chauhan) statement is recorded as PW-6.

Let the fresh summons to witness mentioned at serial No.1 in the list of witness along with the notice Under Order 16 Rule 12 CPC be issued to this witness for the date to be fixed by the Additional Registrar Judicial. Fresh steps for the service of witness mentioned at serial No.1 be taken within three days.

Paras Doger Registrar (Judicial) 9th July, 2024 (Pritam) RW-1 Statement of Shri Rajesh Kumar, S/o Shri Devi Ram, aged 39 years, presently working as Deputy Manager, office of United India Insurance Company Ltd. Timber House, Shimla, Himachal Pradesh.

On Oath 11.07.2024 I am working with respondent No.3, as Deputy Manager, from April, 2023. I am conversant with the facts of the present case and I have seen the contemporary record pertaining to this case. The award in the present case has been passed by the learned Tribunal in the presence of the counsel of all the parties. The passing of award in question was well within the knowledge of the applicant and their counsel. After the passing of the award in the present case, the Insurance Company respondent No.3, had filed one Execution Petition before the learned MACT for recovery of the amount deposited qua no fault liability, since the liability under the award was fastened upon the owner of the vehicle. The applicant was well aware about the passing of the award and he has intentionally and willingly not filed the appeal well in time.

xxx xxx xxx Shri Diwan Singh Negi, Advocate , for applicant-appellant.

It is incorrect that I am not personally aware about the facts of the present case. It is correct that on the date of passing of the award, I was not personally present in the Court. Self stated that as per the record the presence of the Advocates has been mentioned in the award. I do not know that due to the non-communication by the concerned Advocate at Dehra, to the original counsel Shri S.K. Soni at Dharamshala, the applicant could not come to know about the passing of the award. I do not know that only on the receipt of the notice in the Execution Petition, the applicant came to know about the passing of the award by the learned Tribunal. It is incorrect that the vehicle involved in the accident in the present case was insured with respondent-company. It is incorrect that the applicant was vigilant enough and was unaware about the passing of the award from the date of the passing of the award. It is incorrect that the applicant has sufficient cause for not filing the appeal within time.

xxx xxx xxx By Shri Ajay Chandel for respondents No. 1 and 2.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th July, 2024 (Pritam) Statement of Shri Vivek Negi, Advocate, for non-applicant-respondent No.3 High Court of Himachal Pradesh.

Without Oath 11.07.2024 Stated that I close the evidence on behalf of non-applicant-Respondent No.3.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th July, 2024 (Pritam) Statement of Shri Ajay Chandel, Advocate, for respondent No. 1 and 2, High Court of Himachal Pradesh.

Without Oath 11.07.2024 Stated that I do not want to lead any evidence on behalf of respondents No. 1 and 2.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 11th July, 2024 (Pritam) 11.07.2024 Present:-

Shri Diwan Negi, Advocate, vice Ms. Vandana Kuthiala, Advocate, for the applicant.

Shri Ajay Chandel, Advocate, for respondents No. 1 and 2.

Shri Vivek Negi, Advocate, for respondent No.3.

None for respondents No. 4 and 5.

Statement of Shri Rajesh Kumar, is recorded as RW-1. Learned counsel for respondent No.3, close the evidence on behalf of respondent No.3. Learned counsel for defendants No. 1 and 2 also stated vide his separate statement that he does not want to lead any evidence on behalf of respondents No.1 and Accordingly, let the matter be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 11th July, 2024 (Pritam) 15.07.2024 Present:-

Shri Vijay Kumar Verma, Advocate, for the petitioner.

Ms. Drishti Sirswal, Advocate, vice Mr. Balwant Kukreja, Advocate and Shri Het Ram Thakur, vice Shri Sanjeev Sood, Advocate for respondent No.1.

Ms. Sunaina, Deputy Advocate General, for respondent No.2.

None for respondents No. 3 to 73.

As per office report, the publication of the notice in Amar Ujala Newspaper circulating in Shimla, Jalandhar and Dharamshala, has been received with the report that the notice has been duly published on 04.04.2024, in the said Newspaper. Further, as per the report of District Revenue Officer Solan and office of the Tehsildar Jalandhar, no bidder came forward due to which the bidding of the property of the JDs could not be conducted and the property could not be auctioned.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 15th July, 2024 (Pritam) CMP No. 6553 of 2020 in RSA No. 602 of 2019 17.07.2024 Present: Shri Sumit Sharma, Advocate, vice counsel for the applicant.

Ms. Shashi Kiran, Advocate, vicde Ms. Seema K. Guleria, Advocate for respondents No. 1 to 5/appellant.

already ex-parte.

As per the office report, steps for summoning RW-3, (Shri Chaman Lal) has not been filed yet. Learned vice counsel for the applicant seeks some more time.

Let the steps for summoning of the witness Shri Chaman Lal be taken within fifteen days, thereafter the process be issued for his service.

Moreover, let the other witnesses i.e. Shri Vijay Chauhan and Deep Chauhan shall also be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 17th July 2024 (Pritam) 17.07.2024 Present: Ms. Sunaina, Deputy Advocate General, for the appellants.

Ms. Shashi Kiran, Advocate, vice Shri D.N. Ronta, Advocate, for respondents.

In compliance to the order dated 13.12.2017/ 13.06.2024, the respondent No.1 (Shri Durga Singh) has filed the security bond duly supported by affidavit along with the copy of Jamabandi for the year 2017-2018, duly issued on 20.06.2024 and the valuation report of the Revenue Officer dated 20.06.2024.

I have gone through the security bonds as well as the documents annexed therewith and the security furnished by respondent No.1, is accepted accordingly.

Let the matter be listed before the Hon'ble Court for further orders.

Paras Doger Registrar (Judicial) 17th July 2024 (Pritam) 16.07.2024 Present: Shri Peeyush Verma, Advocate, for the plaintiff.

Shri B.M. Chauhan, Senior Advocate with Ms. Kamakshi, Advocate, for defendants No. 1 and Ms. Aruna Chauhan, Advocate, for defendant No.3.

Shri Peeyush Verma, learned counsel for the plaintiff submits that the plaintiff is present today but he has not brought the original documents, which are required to be produced and proved by him in accordance with law.

Therefore, he seeks adjournment for recording his statement today. Learned counsel for the plaintiff vide his separate statement further submits that he does not want to examine witness Shri

Shalender mentioned at Sl. No.1, who is also present in the Court.

Accordingly, the plaintiff is discharged for today. Let the plaintiff be produced on self responsibility on the next date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 16th July 2024 (Pritam) Statement of Shri Peeyush Verma, Advocate, for the plaintiff.

Without Oath 16.07.2024 Stated that I do not want to examine Shri Shalender and accordingly, I give him up.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 16th July, 2024 (Pritam) COMS No. 19 of 2019 a/w CS (Counter Claim) No. 77 of 2019 17.07.2024 Present: Shri Sumit Himalvi, Advocate, vice Shri Ravinder Singh Chandel, Advocate, for the plaintiff/non-counter claimant.

Shri Ishan Raghuwanshi, Advocate, vice Shri Navneet Kumar Bhalla, Advocate, for the defendants/counter claimants.

Plaintiff Smt. Vijay Verma, is present today, but learned vice counsel for the plaintiff submits that due to the fracture in his leg, he is not in a position to come to the Court and seeks adjournment.

Learned vice counsel for the defendants did not oppose the request of the learned vice counsel for the plaintiff. Accordingly, the matter is adjourned for today.

Let the plaintiff as well as PW, mentioned at Sl. No.2 (Shri Om Prakash Verma) be produce on self responsibility on the next date i.e. 03.10.2024.

(Paras Doger) Registrar (Judicial) 17th July 2024 (Pritam) 18.07.2024 Present: Ms. Poonam Gahlot, Advocate, for the plaintiff.

Shri Tejasvi Sharma, Additional Advocate General, for defendants No. 1 to 3.

Shri N.K. Sood, Senior Advocate with Shri Aman Sood, Advocate along with Shri Hemant Kumar defendant No.4.

Learned counsel for the parties have jointly request to adjourned the matter as certain documents is required to be obtained.

Since the request is jointly made by the parties, therefore, the matter is adjourned for today.

Let the plaintiff be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 18th July 2024 (Pritam) 19.07.2024 Present:



Shri Laik Ram Negi (Petitioner in person) alongwith Shri Sanjeev Kumar Suri, Advocate.

The petition and its accompanying documents have been scrutinized under my personal supervision and the same are found to be in order except that the left hand side margin of page Nos. 2 to 4, 7 is insufficient in those documents. The petition is also accompanying with the receipt of security costs and the same is annexed with the petition.

As per the office report, the petition is also within limitation. Be processed further as per Rules.

Paras Doger Registrar (Judicial) 19th July, 2024 (Pritam) 22.07.2024 Present:

Ms. Nidhi Jain, Advocate, for the plaintiff.

Shri Vedhant Ranta, Advocate vice counsel for the defendants.

List of witnesses on behalf of the plaintiff is already on record.

Let the plaintiff be produced on self responsibility on 17.10.2024.

Paras Doger Registrar (Judicial) 22nd July, 2024 (Pritam) 22.07.2024 Present:

Ms. Nidhi Jain, Advocate, for the plaintiff.

Shri Vedhant Ranta, Advocate vice counsel for the defendants.

List of witnesses on behalf of the plaintiff is already on record.

Let the plaintiff be produced on self responsibility on 17.10.2024.

Paras Doger Registrar (Judicial) 22nd July, 2024 (Pritam) 22.07.2024 Present:

Ms. Nidhi Jain, Advocate, for the plaintiff.

Shri Vedhant Ranta, Advocate vice counsel for the defendants.

List of witnesses on behalf of the plaintiff is already on record.

Let the plaintiff be produced on self responsibility on 17.10.2024.

Paras Doger Registrar (Judicial) 22nd July, 2024 (Pritam) CMP(M) No. 152 of 2021 in RSA 22.07.2024 Present:

Shri Ashish Verma, Advocate, vice Shri Anuj Nag, Advocate, for the applicant.

Ms. Vandna Kumar, Advocate, vice Shri Sanjay Jaswal, Advocate, for respondents No. 1 to 6, 7(a) and 7(b).

Respondent No.8 stands deleted.

Respondents No. 9 to 11 ex-parte.

As per the office report applicant is required to be produced on self responsibility. However, learned vice counsel for the applicant submits that due to his ill health, he could not come to the Court today. Learned counsel further submits that he will produce the applicant on next date of hearing. Let the case be listed before Additional Registrar (Judicial) for fixing the date of AWs on which date the the witness be produced on self responsibility.

Paras Doger Registrar (Judicial) 22nd July, 2024 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 RW-4 Statement of Shri Netar Singh, S/o Shri Palas Ram, aged about 55 years, R/o Village Bhaled , P.O. Barigumanu, Tehsil Sadar, District Mandi, Himachal Pradesh.

On Oath 23.07.2024 I am Mason by profession. Shri Devi Singh and his son Sanjeev are known to me. I use to do repair work in their old house thereafter they engaged me in the year 2008 to raise 12 pillars in the ground floor and first floor. After the year 2008, I did not raise any construction over the suit land. My house is about 15 Kms., from the suit land. I use to pass from the said site frequently while going to my house. I have not seen any fresh construction over that site after 2008.

xxx    xxx    xxx    Shri    Roop    Lal  
Chaudhary,    Advocate,    for    the  
applicant/respondent No.4

My    house    is    at    above    mentioned

address. It is correct that while going from Mandi to my village the place Mangwain did not come in between. It is incorrect that I did not pass though the suit site after 2008. Whenever I use to pass through the site which were constructed by me I use to ask the said owner any further work being done by them in which his services are required. I use to visit Devi Singh three four time for asking CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 as to whether he wants to raise further construction. He declined for raising further construction at that time. I asked from Devi Singh about two years ago for raising the construction. It is incorrect that in the year 2017, I raise the pillars on the first floor of the suit property. It is incorrect that in the year 2017 Shri Ashok Kumar, made a complaint to the police and police visited the spot and stopped me and the other labourers from raising the construction on that site. It is incorrect that the police also informed me that the High Court has ordered the stay qua that suit property. It is correct that I have come to the Court today alongwith the son of Shri Devi Singh. It is incorrect that on the asking of the son of Shri Devi Singh I am deposing false today.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 23rd July, 2024 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 Statement of Shri Mukul Sood, Advocate, for the non-applicant-appellant.

Without Oath 23.07.2024 I close the evidence on behalf of the non- applicant since the list of witnesses has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 23rd July, 2024 (Pritam) CMP(M) No. 1528 of 2022 in RSA No. 111 of 2017 23.07.2024 Present:

Shri Mukul Sood, Advocate, for the non- applicant-appellant.

Shri R.L. Chaudhary, Advocate, for respondent No.4.

Statement of Shri Netar Singh is recorded as RW-4. Learned counsel for the non-applicant vide his separate statement has closed the evidence on behalf of the non-applicant.

The evidence on behalf of both the parties is complete. Let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 23rd July, 2024 (Pritam)

24.07.2024 Present:

Ms. Sunita Sharma, Senior Advocate with Shri Dhananjai Sharma, Advocate, for the plaintiff.

Defendants already ex-parte (vide order dated 04.01.2024).

Vide order dated 04.01.2024, of the Hon'ble Court, it has been directed that the steps be taken within fifteen days under Order XVI Rule 1 of CPC, failing which no assistance will given to the defaulting parties.

As per the office report, the plaintiff has not taken the steps for summoning the witnesses, therefore, the witnesses are required to be produced on self responsibility.

Learned senior counsel for the plaintiff submits that the witnesses which are required to be examined in the present case have retired from the plaintiff-Board, therefore, without summoning these witnesses, their presence could not be procured. Learned senior counsel further submits that the plaintiff will move the appropriate application to that effect.

Let the case be listed before the Hon'ble Court as and when the application will be filed by the plaintiff.

Paras Doger Registrar (Judicial) 24th July, 2024 (Pritam) CMP No. 8073 of 2017 in RSA No. 390 of 2012

25.07.2024 Present:

Shri Malhotra, Advocate, for the applicant.

Shri Shekhar Badola, Advocate vice Shri Prashant Sharma, Advocate, for the respondents.

As per the office report, steps for summoning the applicant's witnesses have not been taken. Learned counsel for the applicant seeks some more time for doing the needful.

Let the steps be taken within fifteen days, thereafter, the process be issued for the service of AWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 25th July, 2024 (Pritam) CMP (M) No. 1244 of 2022 in RSA No. 18567 of 2022 29.07.2024 Present: - Shri Abhimanyu Sharma, Advocate, vice Shri Tara Singh Chauhan, Advocate, for the applicants.

Shri Bharat Thakur, Advocate, for the non- applicants No. 1, 2 and 4 to 6.

Name of applicant No.3 already stands deleted.

.

As per order dated 08.04.2024, the case was ordered to be listed before the Hon'ble Court, as despite opportunities the applicants had not produced their witnesses.

Vide order dated 01.05.2024, the Hon'ble Court has granted last opportunity for taking the steps for AWs. However, no steps have been taken. Despite last opportunity learned vice counsel for the applicants is seeking time for producing the AWs, as no witness is present today.

Since the last opportunity has already been granted by the Hon'ble Court, therefore, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 29th July, 2024 (Pritam) OMP(M) 42 of 2016 in RSA No. 4272 of 2013 29.07.2024 Present: Shri Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the applicants.

Shri Mukul Sood, Advocate, vice Mr. Sanjeev Sood, Advocate, for non-applicants Ms. Narvada, Advocate Shri Ajay Vaidya, Advocate, for non-applicant respondent No.4.

Shri Vishwas Kaushal, Advocate, vice Shri Suneet Goel, Advocate, for non-applicant- respondent No.5.

One witness Shri Hira Lal is present today but learned vice counsel for the non-applicant seeks adjournment on the ground that the original senior counsel is out of station. Learned counsel for the applicants has no objection in case the adjournment is granted. Accordingly, the matter is adjourned for today for the AWs.

Learned counsel for the applicant submits that she will bring sole remaining witness Shri Hira Lal on the next date of hearing for adducing his evidence.

As per the list of witnesses the other witnesses have already been examined. Let the case be listed before Additional Registrar (Judicial) for fixing next date for remaining AWs.

Paras Doger Registrar (Judicial) 29th July, 2024 (Pritam) OMP(M) 42 of 2016 in RSA No. 4272 of 2013 RW-3 Shri Krishan Gopal, S/o Shri Tej Ram, aged about 52 years, Village Dharabag, P.O. Dughilag, Tehsil and District Kullu, Himachal Pradesh.

On Oath 29.07.2024 My father Shri Tej Ram had died in the year 2013 or 2014. My father had executed lease deeds with Usaka Hydro Power in the year 2012. No lease deed was executed by my father with Gaur Hydro Power Project. After the death of my father me and my brother have not executed any lease deed with any of the Hydro Project. We have not raised any construction on Khasra numbers of the suit property nor we have authorized any other persons or Power Project to raise construction over our property. The road on our property is pre-existing. Me and my brother have not allowed any person or Power Project to dump their material in our property. The orchard on our land has come to an end due to the non caring of the orchard. We have not disobeyed the orders of the Hon'ble High Court at any point of time.

xxx xxx xxx Shri Bimal Gupta, Senior Advocate, with Ms. Kusum Chaudhary, Advocate for applicants.

We are five brothers and four sisters. I do not know that in the year 2014 one application had been against my father regarding disobedience of the order of OMP(M) 42 of 2016 in RSA No. 4272 of 2013 the Court and my father had filed reply to that application in the Court. It is incorrect that after the death of my father me and my brothers orally agreed to lease out the suit property to Gaur and Usaka Hydro Projects for using the same. I have not placed on record any lease deed executed by my father with Usaka Hydro Project. My father told me about the execution of the lease deed with Usaka Hydro Power Project. Self stated that after the execution of lease deed Usaka Hydro Power Project use to pay rent for the use of our land. It is correct that we have lost the case in both the lower Courts. My father use to sign in English. I identify the signature of my father on the reply to CMP NO. 6333 of 2014, as well as affidavit annexed therewith. I am 10+2 Pass. I barely read and understand English. It is correct that on the suit land big stones are lying. Self stated that they are due to the flood in the Nallah. Near to the pole apparent in photograph Mark A-4, there is one PWD bridge which is on the Nallah, however, that bridge is not apparent on photograph Mark A-4. At the

time of visit of the Local Commissioner, the stones were lying in the Nallah. I do not know the Khasra numbers of the land on which the stones came from Nallah. The suit land was having two khasra numbers, however, I do not know the total Khasra numbers after settlement. It is incorrect that we are taking rent from Gaur Hydro Project till date. The lease deed OMP(M) 42 of 2016 in RSA No. 4272 of 2013 was executed by my father for one year only. It is incorrect that I am deposing false today.

xxx xxx xxx Ms. Narvada, Advocate, vice Shri Ajay Vaidya, Advocate for respondents No.4 and 5.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 29th July, 2024 (Pritam) OMP(M) 42 of 2016 in RSA No. 4272 of 2013 RW-4 Shri Mangal Chand, S/o Shri Khub Ram, aged about 63 years, Village Suma, P.O. Dughilag, Tehsil and District Kullu, Himachal Pradesh.

On Oath 29.07.2024 Shri Tej Ram and his family members are known to me. I have seen the suit land and it is about 1 1/2 Kms., from my house. I use pass through the said land as and when I had to go to Dispensary and Bank. I am not aware that the family members of Shri Tej Ram has rented /leased out the said property to any Hydro Projects and any other person. There is one road in the suit property which leads to the Project, however, I do not know since when the said road was constructed. The said road was in existence prior to the death of Shri Tej Ram. I am not aware whether after the death of Shri Tej Ram, his sons have raised any construction over the suit land or not.

xxx xxx xxx Shri Bimal Gupta, Senior Advocate, with Ms. Kusum Chaudhary, Advocate.

I use to ply Auto and I frequently use the road which is on the suit property. It is incorrect that in September, 2016, the road in question was being constructed. Self stated that the said road had already been constructed prior to the year 2016. I do not know that in September, 2016, the JCBs were deputed for the construction of the said road. I do not know that the owner of the suit land is Shri Hira Lal S/o Shri Tej Ram resident of Dhugilag. It is correct that Hira Lal is my villager. I do not know the Khasra numbers of the road on the suit land. I do not know who is the owner of the land on which the road is passing through. It is correct that I have come to the Court today along with Gopal Krishan in the same vehicle and met Advocate of Shri Gopal Krishan and the learned counsel for the respondents has briefed about the statement. It is correct that I have deposed today as briefed by the counsel. It is incorrect that I am deposing false today.

xxx xxx xxx Ms. Narvada, Advocate, vice Shri Ajay Vaidya, Advocate for respondents No.4 and 5.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 29th July, 2024 (Pritam) OMP(M) 42 of 2016 in RSA No. 4272 of 2013 29.07.2024 Present: Shri Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the applicants.

Shri Mukul Sood, Advocate, vice Mr. Sanjeev Sood, Advocate, for non-applicants No. 1 to 3.

Ms. Narvada, Advocate, vice Shri Ajay Vaidya, Advocate, for non-applicant No.4 and 5.

Statement of Shri Krishan Gopal and Shri Mangal Chand are recorded as RW-3 and RW-4.

Let the sole remaining witness Shri Alam Chand be summoned for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 29th July, 2024 (Pritam) Civil Suit 27 of 2016 30.07.2024 Present:-

Shri Ajay Vaidya, Advocate for the plaintiff. Shri B.M. Chauhan, Senior Advocate with Shri Amit Himalvi, Advocate for the defendants.

As per the office report, steps for additional evidence have not been taken. Learned counsel for the applicant/defendant seeks some more time for doing the needful.

Let the steps be taken within fifteen days thereafter, the process be issued for service of defendants evidence for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 30th July, 2024 (Pritam) 30.07.2024 Present:-

Shri Rohit, Advocate vice Shri Sumit Sood, Advocate for the plaintiff.

Shri Pranjal Munjal, Advocate, vice Shri Janesh Gupta, Advocate, for defendant No.1.

None for defendant No.2 Defendants No. 3 to 6 already ex-parte. Let the plaintiff be produced on self responsibility on 29.10.2024.

Paras Doger Registrar (Judicial) 30th July, 2024 (Pritam) CMP (M) No. 312 of 2023 in RSA 30.07.2024 Present:-

Shri Aman Thakur, Advocate, vice Ms. Kusum Chaudhary, Advocate, for the applicant.

Shri Ankit Kaloti, Advocate, for the respondent.

As per the office report, steps for summoning the witnesses have not been taken by the applicant nor any witness has been produced today on self responsibility, despite clear directions of the Hon'ble Court vide order dated 07.05.2024, that in case the steps are not taken within two weeks, no assistance shall be given to the defaulting party.

Learned vice counsel for the applicants seeks time for filing the list of witnesses. Let the same be filed within one week, thereafter the witnesses be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 30th July, 2024 (Pritam) PW-2: Ms. Neha Sharma, aged about 32 years, presently working as Officer in Punjab and Sindh Bank, Solan, Himachal Pradesh.

On Oath

31.07.2024 I am working in Punjab and Sindh Bank, Solan from 10.01.2023. I have been duly authorized by Senior Manager, Punjab and Sindh Bank, Solan to adduce evidence on behalf of the Bank vide letter dated 30.07.2024, Ex. PW-2/A. I have brought the summoned record. The duly attested copies of the cheques issued in favour of Rajesh Kumar on different dates are Ex.PW-2/B-1 to Ex. PW-2/B-7 (objected to on the mode of proof). The certified copies of the statement of accounts issued as per the Banker Book Evidence Act of Pulse Hospital is Ex. PW-2/C ( 23 leaves). The certified copy of the statement of Shri Rajesh Kumar issued as per Banker Book Evidence Act is Ex. PW-2/B (three leaves).

xxx xxx xxx Ms. Rinki Kashmiri, Advocate, vice Shri Janesh Gupta Advocate for defendant No.1.

The Bank use to maintain the record pertaining to cheques for 10 years.

xxx xxx xxx Shri Vinod Chauhan for defendant No.2.

The account of Shri Rajesh Kumar, defendant No.2, is with our Bank.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 31st July, 2024 (Pritam) 31.07.2024 Present:-

Shri Rahul Mahajan, Advocate, for the plaintiff.

Ms. Rinki Kashmiri, Advocate, vice Shri Janesh Gupta, Advocate, for defendant No.1.

Shri Vinod Chauhan, Advocate, for defendant No.2.

Statement of Ms. Neha Sharma, is recorded as PW-2. Let the plaintiff be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 31th July, 2024 (Pritam) 01.08.2024 Present:-

Shri Y.P. Sood with Shri Praveen Chauhan, Advocates, for the plaintiff.

Ms. Parul Negi, Advocate, for the applicant/defendant.



As per office report, the defendants have placed on record the documents after allowing the application i.e. OMP No. 116 of 2024, which has been kept in the separate part.

Learned counsel for the applicant/defendant is presenting the Cheque No. 822969, dated 31.07.2024, amounting to Rs. 2,000/- drawn in favour of the plaintiff firm, but the perusal of the order of the Hon'ble Court dated 17.07.2024, para-15, it could not be ascertained, in whose account the cost is to be deposited. Accordingly, original cheque is returned to the learned counsel for the defendant.

Learned counsel for the defendant further submits that she will file appropriate application along with the cheque for depositing the cost during the course of the day. Application, if any, filed be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 1st August, 2024 (Pritam) CMP(M) 1169 of 2022 01.08.2024 Present:-

Shri Pranjal Munjal, Advocate, vice Shri Janesh Gupta, Advocate, for the applicant. . None for respondent No.1.

Respondents No. 2 to 4 already ex-parte.

Learned vice counsel for the applicant submits that the original counsel is out of station due to which the applicant has not been called for adducing his evidence today. Learned counsel seeks adjournment.

Since the witness is not present, therefore, the matter is adjourned. Let the applicant be produced on self responsibility on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 1st August, 2024 (Pritam) 01.08.2024 Present:-

Shri Arthav, Advocate vice Shri Vikas Shyam, Advocate, for the applicant. None for respondent.

Learned vice counsel for the applicant seeks time for taking the steps for AWs.

Let the steps be taken within fifteen days, thereafter, the process be issued for the service of AWs, returnable for 04.11.2024.

Paras Doger Registrar (Judicial) 1st August, 2024 (Pritam) Cr.MP(M) No. 1666 of 2023 in Cr. Rev. AW-1 Shri Nain Parkash S/o Sh. Fateh Ram aged about 58 years, Village Bhadyoli P.O Sachani Tehsil Bhunter and District Kullu, Himachal Pradesh.

On Oath 02.08.2024 I came to know about the decision of the Cr. Appeal No. 8 of 2021 in the month of April, 2023, when I went to my native place at Kullu. I am driver by occupation and at that time I was working Director Small Savings at H.P Secretariat Shimla in connection of my work I generally used to remain out of my home. In the month of April, 2023 when I visited my counsel at Kullu in order to know about the date of my case then he disclosed me that my appeal has been dismissed in the month of April, 2022. Then I asked my counsel at Kullu to give me the copy of my decision and he applied the same and in the month of May, he gave me the copy order of the Appellate Kullu. Thereafter I came to Shimla and consulted my case for filing the Revision in the High Court and on 26 June, 2023 I filed the present case in the High Court. The filing of the present case in the High Court is neither intentional nor willful but due to the aforementioned reason.

xxx xxx xxx Ms. Madhurika Sekhon, Advocate, for respondent.

I was having the mobile number of my Advocate at Kullu. Self stated that at present I am not having his phone number. It is incorrect that my counsel at Kullu used to update me regarding my case through whats app message. I used to visit my native place rarely since 2010. The forth death anniversary of my mother was on 29 th May, 2023 due to which I visited my native place in April ,2023 for making the arrangements. I came to know about the decision of the case when I visited the office of my counsel at Kullu. Self stated that my counsel generally do not pick the phone whenever I used to call him. It is incorrect that I was well aware about the decision of the case in the year 2023 but just to harass the respondent I do not file the appeal in time.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 02nd August, 2024 (gaurav) Statement of Sh. B.S.Atri, Advocate for applicant- appellant.

Without Oath 02.08.2024.

I do not want to examine any other witness and closed the evidence on behalf of the applicant.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 02nd August, 2024 (gaurav) Cr. MP(M) No. 1666 of 2023 in Cr. Rev 02.08.2024 Present:-

Shri B.S Atri, Advocate, for the applicant. Ms. Madhurika Sekhon, Advocate for the respondent.

Statement of Sh. Nain Prakash as AW-1. Learned counsel for the applicant vide his separate statement closed the evidence on behalf of applicant. Further, learned counsel for the respondent vide her separate statement she does not want to lead any evidence on behalf of the respondent.

Hence, the statement of the witnesses are complete.

Let the matter be listed before the Hon'ble Court.

Paras Doger Registrar (Judicial) 2nd August, 2024 (Pritam) Statement of Ms. Madhurika Sekhon, Advocate for the respondent.

Without Oath 02.08.2024.

I do not want to examine any witness on behalf of the respondent.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 02nd August, 2024 (gaurav) 05.08.2024 Present:-

None for the plaintiff.

Shri Varun Chauhan, Advocate, vice Shri Vivek Sharma, Advocate, for the defendants.

Let steps be taken within fifteen days and the plaintiff be produced on 07.11.2024.

Paras Doger Registrar (Judicial) 5th August, 2024 (Pritam) CMP No. 8127 of 2021 in RSA No. 3 of 2012 05.08.2024 Present:-

Ms. Kusum Chaudhary, Advocate, for the applicant.

Shri Abhishek, Advocate, vice Ms. Rachana Kuthiala, Advocate, for the non-applicant/appellant.

As per office report, steps i.e. fresh PF and diet money has not been filed. Learned counsel for the applicant submits that as per the instructions received from his client he is not ready to deposit the road and diet money and he is not willing to examine any witness.

Statement of the learned counsel for the applicant to that effect has been taken on record. Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 5th August, 2024 (Pritam) Statement of Ms. Kusum Chaudhary, Advocate, for the applicant.

Without Oath 05.08.2024.

Stated that as per the instructions received from her client he is not ready to deposit the road and diet money and not willing to examine any witness.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 05th August, 2024 (Pritam CMP(M) No. 1280 pf 2022 AW-1 Shri Kamlesh Kumar S/o Shri Tulsi Ram aged about 44 years R/o Village Jathoth, P.O. Navgaon, Tehsil Darla, District Solan, Himachal Pradesh.

On Oath 06.08.2024 I came to know about the decision of the reference petition just about two-three years ago. Due illness in the family, I could not file the appeal well in time. My son had died in the year 2018, who was about 19 years at that time. Due to the set back I could not approach the Court. In the year 2022, I came to know about the decision of the similar reference petitions in which the compensation has been granted by the respondents (NTPC). My father use to lookafter the reference proceedings in the Lower Court. Our land has also been acquired vide the same notification but the compensation has not been granted to us and our reference petition has been dismissed by the reference Court. I also came to know in RFA No. 363 of 2015, the Hon'ble High Court has enhanced the compensation of the persons whose land have been acquired in my village.

xxx xxx xxx Shri Jagdish Thakur, Advocate, for respondent No.1.

I do not know when the reference Court gave its decision. I do not know whether the reference Court has awarded any compensation to us or not. I do not know how many people have filed the present appeal. It is correct that I do not know about the averments made in the application, however, I have filed the appeal for enhancement of the CMP(M) No. 1280 pf 2022 compensation. It is correct that ten persons have filed the present appeal. All the appellants except me are hail and healthy. I have not annexed any documents pertaining to my ill health with the present application. It is correct that there is an averment in my application that the reference Court has decided the reference petition 02.06.2014. I do not know that one Review Petition has been filed by the parties before the reference Court which was decided on 13.11.2014. It is correct that in the reference petition as well as in Review Petition we were duly represented by our counsel. It is incorrect that I came to know about the decision of the reference Court only two years ago. It is incorrect that I am deposing false in order to get the enhanced compensation.

xxx xxx xxx Shri Tejasvi Sharma, Additional Advocate General, for the respondent.

I adopt the cross examination of respondent No.1.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 06th August, 2024 (Pritam) CMP(M) No. 1280 pf 2022 Shri Abhishek Sharma, Advocate, for the applicant.

Withour Oath 06.08.2024 Stated that I close the evidence on behalf of the applicant.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 06th August, 2024 (Pritam) CMP(M) No. 1280 pf 2022 Shri Jagdish Thakur, Advocate, for respondent No.1.

Withour Oath 06.08.2024 I do not want to lead any evidence on behalf of respondent No.1.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 06th August, 2024 (Pritam) CMP(M) No. 1280 pf 2022 Shri Tejasvi Sharma, Additional Advocate General for proforma respondent.

Without Oath 06.08.2024 I do not want to lead any evidence on behalf of proforma respondent.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 06th August, 2024 (Pritam) 06.08.2024 Present:-

Shri Abhishek Sharma, Advocate, for the applicants.

Shri Jagdish Thakur, Advocate for respondent No.1.

Shri Tejasvi Sharma, Additional Advocate General for proforma respondent.

Statement of Shri Kamlesh Kumar is recorded as AW-1. Vide separate statement learned counsel for the applicant has close the evidence on behalf of the applicant. Further, learned counsel for respondent No.1 and proforma respondent also stated that they do not want to lead any evidence in rebuttal.

Since the evidence is complete, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 6th August, 2024 (Pritam)

07.08.2024 Present: Shri Balwant Singh Thakur, Advocate, for the plaintiff.

Shri Karan Veer Singh, Advocate, for the defendants.

Learned counsel for the plaintiff submits that due to his examination, the plaintiff could not come to the Court for adducing his evidence. Learned counsel seeks adjournment for today.

Let the plaintiff be produce on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 7th August, 2024 (Pritam) 08.08.2024 Present: Ms. Narvada, learned vice counsel for the plaintiff.

Shri J.K. Sharma, Additional Advocate General, for the defendants.

As per the office report, steps for summoning the DWs have not been taken by the defendants. Learned Additional Advocate General seeks time for doing the needful.

Let the steps be taken within fifteen days, thereafter, the process be issued for the service of witnesses of DWs for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 8th August, 2024 (Pritam) 08.08.2024 Present: Shri Tarun Jeet Singh Bhogal, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for the respondents.

The Bank Guarantee furnished by the respondents has been duly verified by the State Bank of India Comm. Branch, Chandigarh confirming that the Bank Guarantee has been issued by the said Branch. Accordingly the same is accepted.

Let the needful be done immediately in compliance of the order dated 05.08.2024.

Paras Doger Registrar (Judicial) 8th August, 2024 (Pritam) PW-1 Shri Venkatachalapathy, S/o Shri P.N. Srinivasan aged about 60 years, R/o Plot No.12, Aveaiyar Street, Adambakkam, Chennai-600088.

On Oath 09.08.2024 Stated that I am duly authorized representative of plaintiff Company and I have been duly authorized by the company vide Board Resolution dated 12.12.2018, to initiate the Civil Suit and to sign and depose on behalf of the plaintiff Company. The Board Resolution is Ex. PW- 1/A. On 22.06.2015, one of the Member of the defendant Society Shri Jorabar send an email dated 22.06.2015, to the plaintiff company and asked for the quotation for the purpose of setting up Diary Processing Plant. Then the plaintiff company send the quotation to the defendant society through e mail quoting an amount of Rs. 1,70,83,000/- for supply and installation of the equipment for the Diary Processing Plant which was excluding piping, transportation and other taxes. Thereafter, on 30.06.2015, I visited the place of defendant society for discussion, negotiation and finalization. The negotiation with the defendants society went for two to four days. The Members of the defendant society told me that they have budget constrained and asked me to reduce the price by reducing the specification and the bought out items and piping. Thereafter the parties to the lis entered to an agreement dated 03.07.2015, Ex. PW-1/B, regarding the supply of the Diary Plant equipment. As per the agreement the cost of the entire Diary Plant was agreed to Rs. 1,50,00,000/- (One crores fifty lacs) It is further agreed that the defendant will produce Form-C for 2% of tax. It is further agreed that if the defendant society will not provide Form-C 2%, then they have to pay 5% VAT. After eight days from the execution of the agreement the defendant society asked through email for the layout diagram to which the plaintiff company sent an email on 13.07.2015 attaching preliminary layout and the copies of the email are Ex. PW-1/C-1. Thereafter, plaintiff company sent Engineer to the place of defendant society for marking the layout and foundation. The defendant society started to seek clarification on the layout which were responded through telephone call and based on the discussion the final layout was provided on 01.08.2015, through email which Ex. PW-1/C-2 and other mails regarding the queries of the defendant society are Ex. PW-1/C-3 to Ex. PW-1/C-5. Thereafter the defendant society approached the Government authority regarding electrical layout to their Plant and location of the utilities such as Steam Boiler, Cooling Tower, Effluent Treatment Plant etc. The defendant society had to undertake the entire Civil work and other Government formalities and took the time for get the permission from the concerned authority. In the meanwhile the defendant society asked the plaintiff company to supply the equipments of higher quality than agreed in the agreement Ex. PW-1/B. Thereafter the plaintiff company informed the

defendant society that the change in the material would cause escalation in the prices which will be informed to the defendant society later on during execution of the work. The defendant society agreed to the same and it was agreed that the difference in the amount will be settled at the time of final settlement of the final bill. Based upon the commitment of the defendant society the plaintiff company started to supply the material. On reaching the first lot of equipment in December 2015, the defendant society told the plaintiff company they want all the equipment in the wooden packing instead of normal bubble Sheet packing/standard packing as agreed in the agreement. Thereafter, the plaintiff company send all the equipment in the wooden packing as directed by the defendant society. Thereafter, the defendant society sought the clarification through email dated 23.02.2016, whether they should put Kota stone for the flooring and the same was replied by the plaintiff company through email on the same day. As per the changed specification and directions the plaintiff company started to execute the work on the site. The agreed period for the execution of work was end of November, 2015 but due the changes in the layout and non-completion of the Civil Work on the site the execution of the work could not be completed within the stipulated period and it was nearing completion in July, 2016. When the plaintiff company approached the defendant society regarding increase in the cost of the equipments due to change in the specification the defendant company informed the plaintiff company that they will arrange the third party verification for determining the additional cost but the defendant society never arranged the third party verification for the above said determination. Thereafter, the defendant society did not allow to execute the work by the staff of the plaintiff company and ask them to leave the premises, while retaining all the tools, material and equipments which was lying in the premises of the defendant society. When the plaintiff company again approached the defendant society, they did not allow staff of the plaintiff company to enter in the premises, however, they were getting the work executed through some other agency with our tools and material. Thereafter, the plaintiff company raise the dispute before the Registrar Co-operative society who dismissed the claim of the plaintiff company for want of jurisdiction. The plaintiff company also issued legal notice on 21.09.2016 under Section 76 of the Himachal Pradesh Co- operative Societies Act, Ex. PW-1/D-1, which was not replied by the defendant society and the postal receipt regarding sending of the legal notice is Ex. PW-1/D-2 to D-3. The RADs of the same are Ex. PW-1/D-4 and Ex. PW-1/D-5. The copy of the order of the Registrar Co-operative Society is Ex. PW- 1/E, and the reply filed by the defendant society before the Registrar Co-operative Society is Ex. PW-1/F. The Manager namely Shri Senthil Kumar, who was deputed by the company for the execution of the work of the defendant society, who had already resigned from the plaintiff company was allured by the defendant society for execution/ completion of the balance work to avoid payment to the plaintiff company. The plaintiff company did not authorize Shri Senthil Kumar, for the execution of the work or to receive any payment on behalf of the plaintiff company. The plaintiff company had supplied one number of two KL tanks to the defendant society instead of two tanks of one KL to reduce the maintenance and ease of operation. Only four equipments i.e. Ghee Clarifier, Milk Separator, incubation heaters and one more item were remaining to be supplied by the plaintiff company at the time when the defendant society did not allow to complete the work. The approximate cost of the remaining four equipments was about Rs. 10 lacs. The defendant society did not pay the remaining outstanding amount of Rs.51,88,000/- for which the plaintiff company is entitled. The communication inter-se parties through email during different intervals, are Ex. PW- 1/G-1 to Ex. PW-1/G-21 and Mark A-1 to Mark A-6. The copy of the resolution of the defendant society is Ex. PW-1/H. The plaintiff company has only received

payment Rs.1,38,46,160/- till 04.07.2016. The bills regarding difference in specification in the agreement and the actual supplied by the plaintiff company have been annexed with the present lis, which are Ex. PW-1/ J-1 to Ex. PW-1/J-97 and verified by the Local Commissioner appointed by the Court, who prepared the inventory to that effect. The Policy of the Transit Insurance of the equipments is Ex. PW-1/K-1 to Ex. PW-1/K-5. The plaintiff company had deputed ten persons for the execution of the work of the defendant society. The plaintiff company paid regular salary and expenses qua boarding and lodging to its employees. The copies of the salary slips are Ex. PW-1/L-1 to Ex. PW-1/L-32, (Original seen and returned). I have also placed on record detail of daily expenses, which is Ex. PW-1/M-1, which has been prepared on the basis of daily expenses maintained which has also been annexed. Similarly, travel expenses statement of the employees is also annexed as Ex. PW-1/N, along with the relevant record. The plaintiff company is entitled to an amount of Rs.51,88,614/- along with interest.

xxx xxx xxx Shri Neel Kamal Sharma, Advocate, for the defendant/counter claimant.

I am B.Sc Chemistry, B.Sc. Oil Technology and MBA. The plaintiff company is in this business since 2013. Till today the plaintiff company had executed 39 Project which includes Foreign Project also. It is correct that as per the agreement Ex. PW-1/B, the plaintiff company had to complete the entire work by November 2015. It is correct that as per the agreement the plaintiff company had to develop equipment location drawing, process flow diagram, equipment layout, structural layout etc. plan. Shri Senthil Kumar has signed the agreement as a witness. It is correct that as per the term No. 9.2, if anyone of the parties changed its legal status, its authorized signatory, owners, Manager or any other contractual parties then the parties have to notify the same to the other party. The plaintiff company intimated about the leaving of the Company by Shri Senthil Kumar. I do not remember the date when the same fact was intimated to the defendant society. The company has not annexed any document with the suit qua the resignation of Shri Senthil Kumar nor any document has been annexed regarding the intimation given to the other party. It is incorrect that the plaintiff company itself delayed the execution of the work on site by delaying the final full plant layout to the defendant company. It is correct that the first consignment of the equipments of the plant were sent to the site in last week of December, 2015. Self stated that since the site was not ready and there was change in the specification of the equipments, the first consignment was sent in December, 2015. The company had already sent an email dated 23.02.2016 regarding laying of Kota stone as asked by the defendant company in the month of February, 2016. It is correct that as per the terms of the agreement the defendant society was not supposed to pay the salary and other boarding and lodging expenses to the staff of the plaintiff company. It is correct that at the site, the defendant society provided the lodging facility to the workers of the plaintiff company. It is incorrect that the defendant society had paid an amount of Rs. 1,43,36,100/- to the plaintiff company till date. It is correct that the defendant society was supposed to pay the entire amount except 15% of the total cost of the Project which was required to be paid after the completion of the Project. It is incorrect that the bills annexed with the suit were procured by the company after 2022. On the advise of our counsel the requisite original bills were filed after the permission of the Court. It is incorrect that all the bills which were subsequently filed are fabricated. Ex.PW-1/M-1 and Ex. PW-1/N, were prepared by the Engineer at site on the basis of the daily expenses, the detail of which is also annexed. It is correct that Ex.PW-1/M-1, and Ex. PW-1/N-1, does not bear the signature of the person who



prepared the documents. It is incorrect that the plaintiff company was supposed to supply two tanks of one KL each but the company itself supplied one tank of two KL. Self stated that these tanks were supplied after the consent of the defendant society. It is incorrect that in the month of July 2015, the entire Civil Work on the site was already ready but due to the repeated changes in the layout plan the the work was delayed by the plaintiff company. Self stated that the layout were changed on the request of the defendant society. The advance payment was part of the agreement so the demands were raised. It is correct that on 04.07.2016, there were only four employees on the site. It is incorrect that I directed the above said four employees to leave the site. Self stated that they were directed by the defendant society to leave the site. It is incorrect that due to the delay in the Project on the part of the plaintiff company, the defendant society has to suffer huge losses. It is incorrect that Shri Senthil Kumar was working with the company throughout and he resumed the work on the site after July 2016 on the direction of the defendant society. I do not know that Shri Senthil Kumar left the work in between thereafter. Self stated that he had resigned from our company in July 2016. I do not know that the defendant society had raised the loan from the Bank. It is incorrect that due to delay in the project on our part, the defendant society had to pay interest. I am not aware that the sanctions from the electricity and water authority were already cleared by July, 2016. It is incorrect that the plaintiff company has filed the present suit without any basis and just to harass the defendants society. It is incorrect that due to the loss suffered by the defendant society the plaintiff company is liable to Pay an amount of Rs.3,30,79,953/- to the defendant society. It is incorrect that I am deposing false.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 09th August, 2024 (Pritam) 09.08.2024 Present: Shri Sumeet Raj Sharma, Advocate, for the plaintiff.

Shri Neel Kamal Sharma, Advocate for the defendant.

Statement of Shri Venkatachalapathy as PW-1. Let the remaining PWs in the list of witness be summoned for the next date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 9th August, 2024 (Pritam) 12.08.2024 Present: Shri Hamender Singh Chandel, Advocate for the plaintiff.

None for defendant No.1.

Defendant No.2 already ex-parte.

The witnesses of the plaintiff are required to be produce on self responsibility today, however, learned counsel for the plaintiff seeks time for producing the plaintiff witnesses.

Allowed. Let the plaintiff's witnesses be produced on the date to be fixed by the Additional Registrar (Judicial) on self responsibility.

Paras Doger Registrar (Judicial) 12th August, 2024 (Pritam) 13.08.2024 Present: Shri Dinesh Thakur, Advocate, for the plaintiff.

Shri Abhimanyu Sharma, Advocate, vice Shri T.S. Chauhan, Advocate, for defendants No. 1 and 2.

None for defendant No.3.

As per the office report, an application under Order VII Rule 11 CPC for rejection of the plaint has been filed by defendants No. 1 and 2 and the same was listed before the Hon'ble Court on 12.08.2024. Vide order dated 12.08.2024, the Hon'ble Court has granted three weeks time to file the reply in the said application.

Learned counsel for the plaintiff submits that three witnesses are present today on self responsibility.

Since the application for rejection of the plaint is still pending adjudication, therefore, it would be in the interest of justice that first the outcome of the adjudication of the said application be awaited.

Accordingly, the witnesses present today are discharged. Let the said application be listed before the Hon'ble Court in compliance to the order dated 12.08.2024.

Paras Doger Registrar (Judicial) 13th August, 2024 (Pritam) 13.08.2024 Present:-

Shri Vivek Sharma, Advocate, for the applicant alongwith Shri Mohinder Singh (in person).

Learned counsel for the applicant has moved an application for furnishing the solvent security bonds in compliance to the orders dated 15.06.2024, passed in OMP No. 587 of 2023 in Arb. Case No. 767 of 2023. The application is accompanied by solvent security of Shri Mohinder Singh, S/o Shri Assa Singh, R/o Village and P.O. Baru Sahib, Tehsil Pachhad, District Sirmour, Himachal Pradesh.

The solvent security bond are duly annexed with copy of the Jamabandi for the year 2021-2022, duly issued on 26.06.2024 and counter signed by the Tehsildar Manali on 16.07.2024. The applicant has also annexed the circle of the concerned land mentioned in the Jamabandi as well as the distance certificate, valuation certificate as well as the non-encumbrance certificate duly issued by the Village Revenue Officer, Tehsil Manali, District Kullu, Himachal Pradesh. The Aadhar Card and PAN card are also annexed herewith. Shri Mohinder Singh, is duly identified by the learned counsel for the applicant.

I have gone through the solvent security bond as well as the documents annexed herewith. The applicant has expressly averred in the security bond that in case the award is passed by the learned Arbitrator is reversed then he will carry out the orders of the Hon'ble Court and shall not make any default to that effect. It is further averred that he shall not encumber the property mentioned in the Jamabandi annexed herewith in any manner till the pendency of the present arbitration case.

Accordingly, the solvent security bond furnished by the applicant is accepted.

Let the needful be done in compliance to the order dated 15.06.2024 of the Hon'ble Court. Security bond be tagged with the case file.

Paras Doger Registrar (Judicial) 13th August, 2024 (Pritam)

14.08.2024 Present:-

Ms. Heena Chauhan, Advocate, vice Shri B.S. Thakur, Advocate, for the plaintiffs.

Shri Subhash Sharma, Advocate for defendant No.1.

Shri V.D. Khidtta, Advocate, for defendant No.2.

As per office report, the plaintiff was required to be produced today on self responsibility for adducing his evidence. Learned vice counsel for the plaintiffs submits that due to inadvertence, she could not inform the plaintiff for today's date, due to which he is not present today. Learned vice counsel seeks adjournment for today, which is not opposed by the learned counsel for the defendants.

Accordingly, the matter is adjourned. Let the plaintiff be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 14th August, 2024 (Pritam) AW-2 Ms. Shalini, aged about 33 years, presently posted as Junior Assistnat, High Court of Punjab and Haryana at Chandigarh.

On Oath 20.08.2024 I brought the requisitioned record, which was available with the office. The medical reimbursement Late Justice Surinder Sarup, was being made from the Punjab and Haryana High Court. As per the record, Later Justice Surinder Sarup claimed the medical reimbursement from January 2009 to March, 2009. As per the record, there is a noting in the office file that Late Justice Surinder Sarup had claimed an amount of Rs.51,742/- for his own treatment taken from PGI Chandigarh as Indoor patient from 30.01.2009 to 06.03.2009.

For which an amount of Rs. 42,542/- was sanctioned for his treatment. The reimbursement bills of the officer are used to be sent to the Treasury after the passing of the bills and thereafter send it to the Accountant General Punjab. As per telephonic inquiry after three years the Accountant General Punjab weed out the medical bills sent to them, therefore, no bills remain with the High Court of Punjab and Haryana.

xxx xxx xxx Shri Neeraj Gupta, Senior Advocate, with Shri Pranjal Munjal, Advocate, for the respondent.

Opportunity given. Nil.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 20th August, 2024 Shri Tarunjeet Singh Bhogal, Advocate, for the applicant.

Without Oath 20.08.2024 I close the evidence on behalf of the applicant since the list of witnesses have been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 20th August, 2024 (Pritam) 20.08.2024 Present:-

Shri J.S. Bhogal, Senior Advocate with Shri T.S. Bhogal, Advocate, for the applicant.

Shri Neeraj Gupta, Senior Advocate with Shri Pranjal Munjal, Advocate, for the respondent.

Statement of Ms. Shalini is recorded as AW-2. Vide separate statement learned counsel for the applicant close the evidence on behalf of the applicant.

Learned counsel for the respondents seeks time for Rws. Let the steps be taken within one week, thereafter, the process be issued for service of Rws, returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 20th August, 2024 (Pritam)

21.08.2024 Present:-

Shri Ashok Sood, Senior Advocate with Shri Khem Raj, Advocate, for the plaintiff.  
None for the defendant.

As per order dated 21.06.2024, of the Additional Registrar (Judicial) steps for the service of PWs mentioned at Sl. No. 4 to 6, in the list of witnesses was awaited. However, the perusal of the case file shows that the steps have already been taken for the service of these witnesses on 18.05.2024 by the learned counsel fore the plaintiff. Therefore, it appears that due to inadvertence the said order has been passed by the Additional Registrar (Judicial).

Since the steps have already been taken, therefore, the witnesses mentioned at Sl. No. 4 to 6 be summoned for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 21st August, 2024 (Pritam)

22.08.2024 Present:-

Shri Amit Sharma, Advocate, for the plaintiff. Shri H.S. Upadhaya, Advocate, for the defendants.

Pursuant to the bailable warrants issued by the Hon'ble Court, vide order dated 19.07.2024, Shri Vikas Jain, is present today for his cross examination.

However, learned counsel for the defendants submits that the counsel who has to cross examine this witness has to come from Delhi, but due to some family problem he could not come to the Court today. Learned counsel for the defendants further submits that the case file is also with that counsel, so he is unable to cross examine this witness today. Learned counsel seeks adjournment, which is not opposed by the learned counsel for the plaintiff.

Learned counsel for the plaintiff submits that he will produce this witness on self responsibility on the next date of hearing. Let the case be listed for the cross examination of witness Shri Vikas Jain on 22.11.2024.

Paras Doger Registrar (Judicial) 22nd August, 2024 (Pritam) DW-6 Shri Vijay Singla, S/o Shri Mithen Lal Singla, aged 58 years, R/o House No. 105, Sector 28-A, Chandigarh.

On Oath 22.08.2024 I was appointed as Director of the defendant No.1- Company on 25.09.2006. I resigned from the said company on 06.06.2009. Plaintiff No.1 to approached me to purchase the land of respondent No.1- company. Plaintiff No.1 had paid a token amount of Rs.11,00,000/- to which receipt Ex. PW-8/A was issued by me as Director of defendant No.1-company. The said amount was deposited in the Bank Account of the defendant No.1-company. It was agreed that the complete agreement of sale was to be executed by the defendant No.1-

company and Shri Vijay Bhandhari (Objected to by Plaintiff on the ground of beyond pleadings and contrary to Ex. PW- 8/A). Shri Vijay Bhandhari was not agriculturist of the State of Himachal Pradesh and he was required to obtain the permission under Section 118 of the H.P. Tenancy and Land Reform Act. He did not come to me with the permission under Section 118 of the H.P. Tenancy and Land Reform Act, during my tenure as Director. Further execution of the agreement regarding the purchase of land was to be executed after the permission under Section 118 of the said Act by Shri Vijay Bhandhari. He never approached me during my tenure as Director for the execution of the agreement to sell. Ex. DW- 5/A bears my signature in red circle 'A' as Director/ Chairman of the company. Vide Ex. PW-5/A, three new Directors namely Praveen Kumar, Navneet Garg and Virender Kumar joined the company as Directors. The minutes regarding my resignation and acceptance of the same were prepared copy of which is Ex.PW-5/B. The said meeting was chaired by new Director Shri Praveen Kumar. I identify his signature which is in red circle 'B' on Ex. PW-5/B. I conveyed to the new management for the token money which the company has received qua receipt Ex.PW-8/A, the reference to that effect is made in Ex. DW-5/A and Ex. DW-5/B. Thereafter, the company decided to return the token money of Rs.11,00,000/- which is recorded in the minutes of

the company, which is Ex. DW-5/C. I identify signature of new Director Praveen Kumar, which is in red circle `C'. The company send the said amount to Shri Vijay Kumar Bhandhari through Demand Draft Mark `X', vide letter 16.07.2009, Mark `Y'. I identify the signature of Shri Praveen Kumar which is in red circle `X'. I was not having any personal liability of any kind with respect to the receipt of the token money. The company has been wrongly sued through my name as I had already resigned from the company before the filing of the said suit.

xxx xxx xxx Shri Bhupender Gupta, Senior Advocate with Shri Pranjal Munjal, Advocate for defendant No.1.

The intimation regarding my resignation as Director of the Company, was sent to the Registrar of Companies. During my tenure as Director except Ex.PW-8/A, no other document was executed pertaining to the purchase of the said land. No other document has been executed with the new Directors pertaining to said land.

xxx xxx xxx Shri Ajay Kumar Sood, Senior Advocate with Shri Rohit, Advocate for the plaintiff.

It is correct that the resignation from the Directorship of the company is to be given in writing to the Board of Directors. I have not retained the copy of the resignation submitted by me to the company. The original resignation is with the company. I have seen my resignation in the Court file today which is annexed with Form-32, which is Ex. DW-3/B. The total sale consideration of the said land was Rs.2,80,00,000. I do not know that Vijay Bhandhari is also having one another plant in the same vicinity. Shri Vijay Bhandhari directly come to me for the purchase of the said land. I do not know Shri Bharat Bhushan. The witnesses in Ex.PW-8/A, were Shri Subhash Tomar and Shri Bharat Bhushan. Shri Bharat Bhushan has not signed the said document in my presence. I do not remember who has written the document Ex.PW-8/A. I do not remember for what amount I sold my share to the company to Shri Praveen Kumar and other Directors. I do know whether I have sold my shares to the Director Praveen Kumar or not. Self stated the same has been mentioned in the Books of Accounts. I am income tax payee. I have declared in the income tax return about the amount of the sale of my share. I do not remember how many share holder were in that company at the time of my resignation. However, I and my brother Shri Madan Mohan Singla were Directors of the said company. My brother might have received the amount for the sale of his shares. I do not know how much money he has received for the sale of his shares. One take over agreement was executed dated 04.06.2009 was executed between Vijay Singla and Praveen Kumar, which is Ex. PX. I identify my signature in the said document, which is in red circles `A'. I cannot identify other signatures in Ex. PX. It is correct that in Ex. PX, the sale consideration has been mentioned as Rs.9,40,000. Self stated that I have sold my shares for an amount of Rs.9,40,000. No sale deed was executed pertaining to the land in dispute. The new Directors are also not agriculturist of the State of Himachal Pradesh. I have not given any intimation to Shri Vijay Bhandhari before or after resigning from the company. Self stated that it is not my duty to inform him. I do not remember whether any copy of the Ex. PW-8/A, was prepared. However, I have informed the company at the time of my resignation. The Draft Mark `X' was not prepared in my presence. It is correct that there is no complete address of Shri Vijay Bhandhari has been mentioned on Mark `Y'. As per my information the Draft Mark `X' was not en-cashed and was returned to the company. Form-32 was

deposited by the company. I do not know the date on which the said Form was deposited by the company with ROC. I never entered into any agreement with the V.R. Ferro Steels Company. I do not know that the new Directors entered into an agreement to sale regarding the suit property with V.R. Ferro for the sale consideration of Rs.27,00,000. It is correct that earlier I use to reside at Panchkulla. It is incorrect that my office was at Jagan House Sector 28 Panchakula. I was residing at House No.8, Sector 8, Panchkulla. I never made any offer to Shri Vijay Bhandhari to take over the company in the manner it was given to the new Directors. I only sold only my shares in the company while resigning from the same. The owner of the land in dispute is defendant No.1-company, managed by new Directors. Self stated that the new Directors are the Directors as of date. I am not aware that as and when the shares of the company are sold the assets of the company are also transferred alongwith the shares. I was not remained behind the bars during my tenure as Director in the said company. I do not remember the exact period for which I remained behind the bars. I remained behind the bars for one year. It is incorrect to suggest that with a view to frustrate the agreement Ex. PW-8/A, I alongwith new Directors forged and fabricated false resignation letters and documents to cheat the plaintiffs.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 22nd August, 2024 (Pritam) Shri Khem Raj, Advocate, for defendant No.2.

Without Oath 22.08.2024 I close the evidence on behalf of defedndant No.2, since the list of witnesses has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 22nd August, 2024 (Pritam) 22.08.2024 Present:-

Shri Ajay Kumar, Senior Advocate with Shri Rohit, Advocate, for the plaintiff. Shri Bhupender Gupta, Senior Advocate with Shri Pranjal Munjal, Advocate, for defendant No.1.

Shri Ashok Sood, Senior Advocate, with Shri Khem Raj, Advocate for defendant No.2.

Statement of Shri Vijay Singla is recorded as DW-6. Vide separate statement Shri Khem Raj, Advocate for defendant No.2, has close the evidence on behalf of the defendant No.2. Learned counsels submits that they do not want to lead any rebuttle evidence.

Since the evidence in the present Civil Suit is complete on behalf of the parties. Let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 22nd August, 2024 (Pritam) CMP No. 9957 of 2019 & CMP No. 13137 of 2019 in RSA No. 39 of 2019

23.08.2024 Present:-

Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for the appellant- applicant in CMP No. 13137 of 2019 alongwith Shri Devender Pal, applicant- respondent.

Shri Anand Sharma, Senior Advocate with Shri Karan Sharma, Advocate, for respondents No. Ms. Deepmala Sharma, Legal Aid Counsel for respondent No.2.

Respondent No.3, already ex-parte.

As per the office report, list of witnesses in CMP No. 9957 of 2019, has been filed by the respondent- applicant and vide order dated 21.06.2024, of the Additional Registrar (Judicial), the witnesses are required to be produced in the said application on self responsibility.

Learned counsel for the applicant in CMP No. 9957 of 2019, submits that due to the death in the relation of the witnesses, they could not come to the Court for adducing their evidence today. Learned counsel for the applicant seeks adjournment, which is not opposed by the learned opposite counsel.

Further, as per the report in CMP No. 13137 of 2019, the list of witnesses and the other steps have already been taken by the appellant-applicant on 03.06.2024 and as per the order dated 21.06.2024 of the Additional Registrar (Judicial), the witnesses in the said application has also been directed to be produced on self responsibility.

CMP No. 9957 of 2019 & CMP No. 13137 of 2019 in RSA No. 39 of 2019 Learned counsel for the parties submitted that firstly, the witnesses in CMP No. 9957 of 2019, be examined and thereafter, the witnesses in the other application will be examined.

Accordingly, the witnesses in CMP No. 9957 of 2019, be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial). Thereafter, when the evidence in CMP No. 9957 of 2019 will be completed, the witnesses in the other application be produced on self responsibility.

Paras Doger Registrar (Judicial) 23rd August, 2024 (Pritam) PW-1 Shri Sant Ram, S/o Late Sairu Ram, aged 55 years, R/o Village Manasi, Jaula, P.O. Banoh Khurdhatti, Tehsil Arki, District Solan, Himachal Pradesh.

On Oath

24.08.2024 I am an agriculturist by occupation. My land at Village Mangu, Tehsil Arki, District Solan, which was inherited by me from my father, was acquired by the Government of Himachal Pradesh vide notification dated 05.03.2009 to that effect award was passed by the Land Acquisition Collector -cum- SDO (Civil) Arki, Solan, H.P., which is Mark `A'. Vide the said award all the land owners, whose land was acquired vide notification dated 05.03.2009 were jointly awarded



Rs.50,42,08,486. Thereafter, I entered into compromise with the M/s Ambuja Cement for whom the Govt. of Himachal Pradesh acquired the land vide Compromise Deed Ex. PW-1/A, my signature in the said compromise is in red circles 'A'. After entering into the compromise with M/s Ambuja Cement, I received an amount of Rs. 3,34,00,000/- through Cheque. In the year 2019, the Bank Manager of HDFC Bank Kunihar introduced me with defendant No.1. The defendant No.1, assured me that if I will invest the money in his company he will give more return than the interest of the Bank. On the assurance of defendant No.1, I paid an amount of Rs.97,00,000/- (in total) to the defendants. I deposited Rs. 47,00,000/- lacs in the account of defendant No.1 and Rs.42,00,000/- lacs in the account of defendant No.2, vide different transaction. I had also paid an amount of Rs.8,00,000/- lacs in cash to defendant No.1. I have transferred the above said amount in the account of the defendants from my Account in the PNB and HDFC Banks at Kuniuhar, District Solan. In order to ensure the return of my investment the defendant No.1 had issued me the cheques, which are Ex. PW-1/B to Ex. PW-1/H. I did not present these cheques in the Bank for encashment because the defendant No.1 had assured me that he will return the invested amount along with interest within a year. The defendants have returned only a sum of Rs.16,32,000/- to me till date and the last payment was made to me by the defendants on 14.01.2020. Thereafter, I tried to contact defendant No.1, but he did not answer my telephone calls due to which I had to sent a Legal Notices dated 21.06.2022, Ex. PW-1/J and Ex. PW-1/J-1, to the defendants through my Advocate by registered posts and the registered letter receipt are Ex. PW-1/K and Ex. PW- 1/L. The defendants did not reply to the Legal Notice and also did not return the money which I have paid in their Bank Accounts. Therefore, I filed the present Civil Suit through my Advocate on 12.01.2023 against the defendants for the retun of money alongwith interest.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24th August, 2024 (Pritam) PW-2 Shri Krishan Prakash, Incharge Sub Divisional Kanungo, SDO (Civil), Arki, District Solan, Himachal Pradesh.

On Oath 24.08.2024 I brought the original requisitioned record. The Award No. 1/2016, dated 15.09.2016, Mark 'A' now Ex. PW- 2/A, was passed by the Land Acquisition Collector-cum-SDO (Civil) Arki, District Solan. (Original seen and returned).

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) PW-3Shri Virender Kumar, Manager, Punjab National Bank, Kunihar, District Solan, Himachal Pradesh.

On Oath 24.08.2024 I have brought the original requisitioned record. The statement of the Account of Shri Sant Ram is Ex. PW-3/A. The statement is computer generated document and is duly issued by Punjab National Bank, Kunihar, District Solan. As per Ex. PW-3/A, on 23.12.2019, an amount of Rs.20,00,000/- have been transferred in the Bank Account of Urban Himachal Investors. The certificate Ex. PW- 3/B, under Bankers Books Evidence Act, has been issued by the Bank qua the authenticity of the accounts.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) PW-4 Shri Girish, Branch Manager, HDFC Bank, Kunihar, District Solan, Himachal Pradesh.

On Oath 24.08.2024 I have brought the original requisitioned record. Shri Sant Ram is having Bank Account in our Bank. The statement of the Account of Shri Sant Ram is Ex. PW-4/A (13 leaves). The statement is computer generated document and is duly issued by HDFC Bank, Kunihar, District Solan, H.P. As per the statement Ex. PW-4/A, on 04.09.2019 an amount of Rs.2,00,000/- and 5,00,000/-, on 18.09.2019, an amount of Rs. 10,00,000/-, on 21.09.2019, an amount of Rs.3,00,000/-, on 25.09.2019, an amount of Rs.2,00,000/- on 26.09.2019, an amount of Rs.15,00,000/- on 02.12.2019, an amount of Rs.10,00,000/- had been paid in favour Shri Sarvjeet Singh. Further, on 03.10.2019, an amount of Rs.21,00,000/-, on 09.10.2019, an amount of Rs.1,00,000/- was transferred in favour of Urban Investors Private Limited. The certificate Ex. PW-4/B, under Bankers Books Evidence Act has also been issued by the Bank qua the authenticity of the statement of of accounts.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) Shri Vaibhav Tanwar, Advocate, for the plaintiff.

Without Oath 24.08.2024 I close the evidence on behalf of plaintiff since the list of witness has been exhausted.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) 24.08.2024 Present:-

Shri Vaibhav Tanwar, Aadvocate for the plaintiff.

Defendants already ex-parte vide order dated 14.03.2024.

Statement of plaintiff Shri Sant Ram and witnesses Shri Krishan Prakash and Shri Virender Kumar, and Shri Girish are recorded as PW-1 to PW-4, respectively-

6. Vide separate statement learned counsel for the plaintiff has closed the plaintiff evidence.

Since the evidence is complete in the present Civil Suit, therefore, let the case be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 24th August, 2024 (Pritam) 24.08.2024 Present:-

Shri Aman Sood, Advocate for the petitioner. Ms. Kavita Kajal, Advocate, for the respondents.

As per the order dated 02.08.2024 of the Hon'ble Court, an issue has been framed :

"whether the respondents have violated the order passed in CMP No. 7114 of 2017, dated 8.08.2017, as confirmed vide order dated 11.04.2018".

Perusal of the case file shows that neither of the parties have filed the list of witnesses for proving the issue framed by the Hon'ble Court.

Learned counsel for the parties are submitting that the onus to prove the issue in hand is on other party. No witnesses have been produced by either of the parties today. However, learned counsel for the petitioner submits that execution of the sale deed is admitted by the respondents, therefore, the onus is upon the contemnor to disprove the contempt against them and there is specific direction to the contemnor for recording their evidence.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 24th August, 2024 (Pritam) CMP (M) No. 478/ 479 of 2023 in RSA 27.08.2024 Present: Shri Kshitij, Advocate, vice Mr. Vinod Gupta, Advocate for the applicant-appellant.

Shri Prashant Chauhan, Advocate for the respondent.

Applicant Ms. Usha Devi is present. However, learned vice counsel for the applicant submits that she has not brought revenue record, which is required to be proved by her. Therefore, learned vice counsel for the applicant seeks adjournment for today. Learned counsel for the respondent has not opposed the request of the learned counsel for the applicant.

Accordingly, the matter is adjourned for today. Let the applicant be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 27th August, 2024 (Pritam) Criminal Appeal No. 305 of 2021 28.08.2024 Present: None for the State.

Shri Prashant Chauhan, Advocate for the respondent.

Despite order of the Hon'ble Court for appearance of the respondent and his surety on 28.08.2024, before the undersigned, the respondent along with surety are not present today due to which the bail bonds has not been furnished.

Since the specific date has been given by the Hon'ble Court for their presence, the undersigned could not extend the time for furnishing the bail bonds as prayed for by the learned counsel for the respondent.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 28th August, 2024 (Pritam) 28.08.2024 Present: Shri Karan Singh Kanwar, Advocate, for the plaintiffs.

Shri Ashok Tyagi, Advocate for defendant No.1.

None for defendant No.2.

As per the office report, the matter was listed for plaintiffs evidence who is required to be produced on self responsibility. However, learned counsel for the plaintiffs submits that due to ill health, the plaintiff No.1, could not come to the Court for adducing his evidence today.

Learned counsel seeks adjournment, which is not opposed by the learned opposing counsel.

Let the plaintiff be produced on self responsibility on the next date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 28th August, 2024 (Pritam) 29.08.2024 Present: Shri Karan Singh Kanwar, Advocate, for the the counter claimant-defendant.

Non-counter claimantalready ex-parte.

As per the office report, the defendant/ counter claimant was required to be produced for adducing his evidence. Learned counsel for the counter claimant submits that the defendants-Director Mr. Yogi Nagpal could not come to the Court for adducing his evidence due to fracture in his leg.

Learned counsel seeks adjournment. Accordingly, the matter is adjourned. Let the Director Shri Yogi Nagpal be produced on self responsibility for adducing his evidence on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 29th August, 2024 (Pritam) 29.08.2024 Present: Shri Mahesh Sharma, Advocate, for the applicant/respondent.

The matter has been sent by the Learned Registrar General to the undersigned with the direction to do the needful and comply the order dated 23.08.2024 passed by the Hon'ble Court.

As per the office report, the applicant has filed Security Bond in the diary, however, it is required to be filed through Scrutiny Section. The perusal of the application alongwith the documents filed by the applicant shows that the security bond is not duly supported by an affidavit and the valuation report qua the said property has also not been annexed.

Learned counsel submits that he will do the needful by tomorrow. Let the case be listed on 30.08.2024, before the undersigned.

Paras Doger Registrar (Judicial) 29th August, 2024 (Pritam) 29.08.2024 Present: Shri Karun Negi, Advocate, for the plaintiff.

Shri Sarthak Mehta, Advocate for defendants No. 1 and 3.

Shri Pranay Pratap Singh, Advocate, for defendant No.2.

Admission and denial of the document filed by the plaintiff has been done by the defendants. No document has been filed by the defendants.

The admission and denial of the document is complete. Let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 29th August, 2024 (Pritam) 30.08.2023 Present: Shri Mahesh Sharma, Advocate, for the applicant.

None for the respondent-State.

In compliance to the order dated 29.08.2024, of the undersigned, learned counsel for the applicant has placed on record the affidavit as well as the valuation report duly issued by the Village Revenue Officer, Patwar Circle Junga, Tehsil Junga, which are taken on record.

The perusal of Jamabandi annexed with the Security Bond shows that the land mentioned in the Security Bond is free from all encumbrances and as per the valuation report, the value of the said land is Rs.34,24,880/-

I have gone through the order of the Hon'ble Court dated 23.08.2024 as well as the documents annexed with the application for acceptance of the security bond.

Accordingly the Security Bond is accepted by me. All the papers be tagged with the case file. Let the matter be further processed in compliance to the order dated 23.08.2024 of the Hon'ble Court.

Paras Doger Registrar (Judicial) 24th August, 2023 (Pritam) 30.08.2024 Present: Shri Rahul Kumar, Advocate, vice Shri Anirudh Sharma, Advocate, for the plaintiffs.

Ms. Divya Rajta, Advocate vice Shri Ashok Tyagi, Advocate, for the defendant.

Learned vice counsel for the defendant submits that they have filed an application under Order XIV Rule 5 CPC for framing of additional issues, which is still pending adjudication.

Since the application is pending, therefore, it would be in the interest of justice that the application be decided at the first instance before leading the evindece by the parties.

Accordingly, the matter be listed before the Hon'ble Court for appropriat orders.

Paras Doger Registrar (Judicial) 30th August, 2024 (Pritam) 02.09.2024 Present: Ms. Sunaina, Deputy Advocate General for the applicant.

Ms. Kavita Kajal, Advocate vice Shri Athrav Sharma, Advocate, for the respondent.

Let the steps be taken by the applicant within fifteen days, thereafter, the process be issued for the service of AWs, returnable for 23.12.2024.

Paras Doger Registrar (Judicial) 2nd September, 2024 (Pritam) PW-1 Statement of Shri Chuni Lal, Senior Assistant, Electricial Sub Division, Sanjauli, Shimla, Himachal Pradesh.

(The witness was deferred on 31.08.2023 and His examination in Chief is resumed.) On Oath 02.09.2024 I have brought the original requisitioned record today. As per our record, the electricity bill dated 10.02.2017, of Smt. Vidya Devi Mark `X-9' is now Ex. PW-1/E-1. The electricity bill dated 07.08.2006, of Shri Tarlok Chand Mark `X-11', is now Ex. PW-1/E-2. The electricity bills dated 04.06.2008, 04.09.2007, 05.09.2007, 10.02.2009, 06.03.2007 and 17.07.2007, of Shri Rakesh Kumar, Mark `X-4', is now Ex. PW-1/E-3, Mark `X-5' is now Ex. PW-1/E-4, Mark X` - 6', now is Ex. PW-1/E-5, Mark `X-8', now is Ex. PW-1/E-7, Mark `X-3', is now Ex. PW-1/E-8.

I have brought the record pertaining to the installation of the electricity connection in the name of Dr. Rakesh Kumar. The copy of the same is Ex. PW-1/F (colly.). (Original seen and returned).

xxx xxx xxx Shri Neeraj Gupta, Senior Advocate with Shri Ajeet Pal Singh Jaswal, Advocate, for the defendant No.1.

The Ledger pertaining to electricity connection and consumption will remain in the custody of SDO electricity. It is correct that I am working in the Electricity Sub Division Sanjauli, since 2004. It is correct that I am presently dealing with these Ledgers. The above said electricity bills pertains to Kothi Vakil Khana, Shankli, Shimla-1. It is correct that Ledger contains all the details of installation of all electricity connections of a particular building and area. I cannot say whether any electricity has been installed in that building in the name of Shri Surender Mohan. Self stated that I have brought the Ledger pertaining to which I have been asked for, unless the particular of the specific persons are given by providing the ID No. It is correct that from perusing the Ledger brought by me today I cannot say whether any other electricity connections have been installed in that building. Self stated that it can be specified only after the ID numbers are given. As per the record brought by me today out of the above said three connection in the name of Shri Rakesh Kumar, Vidya Devi and Tarlok Chand, only the electricity connection of Smt. Vidya Devi has been dis-connected on 16.03.2018. The details of which are 1111400347. I cannot say the reasons for the disconnection. I cannot say whether any application for restoration of the above said electricity connection or fresh application for the installation of the electricity connection has been received by the department or not.

It is correct that all the above said electricity bills pertaining to Shri Rakesh Kumar has been generated on the basis of application Ex. PW-1/F (eight leaves).

xxx xxx xxx Shri Vaihav Tanwar, Advocate, for defendant No.2.

I adopt the cross examination conducted by defendant No.1.

(Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) Opprotunity given. Nil.

PW-3 Statement of Shri Durgesh Kumar, Junior Engineer, O/o Architectural Planning Branch, Municipal Corporation, Shimla.

(The witness was deferred on 31.08.2023 and His examination in Chief is resumed.) On Oath 02.09.2024 I have brought the original requisitioned record today. As per our record, the copy of Tarlok Apartments, proposed Group Housing on Khasra No.335, are Ex. PW-3/A, Ex. PW-3/B and Ex. PW-3/C. The copy of the Tarlok Apartment proposed Housing Group on Khasra No. 325, are Ex. PW-3/D, Ex. PW-3/E and Ex. PW-3/F. However, in in maps Ex. PW-3/D to Ex. PW-3/F, Khasra No. 325 which might have been inadvertently mentioned. The above said maps have been sanctioned vide Sanction Letter Ex. PW-3/G, two leaves. (Original seen and returned).

xxx xxx xxx Shri Neeraj Gupta, Senior Advocate with Shri Ajeet Pal Singh Jaswal, Advocate, for the defendant No.1.

Opportunity given. Ni.

xxx xxx xxx Shri Vaihav Tanwar, Advocate, for defendant No.2.

I adopt the cross examination conducted by defendant No.1.

(Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) PW-4 Statement of Shri Dalip Narwal, Tax Inspector (North Ward), Tax Department Municipal Corporation, Shimla-171001.

(The witness was deferred on 31.08.2023 and His examination in Chief is resumed.) On Oath 02.09.2024 I have brought the original requisitioned record . As per my record, Notices dated 16.07.2015, 14.07.2015 and 21.10.2015, are Ex. PW-4/A, Ex. PW-4/B and Ex. PW-4/C, under Section 124 of the H.P.M.C. Act., have been issued in the name of Ms. Vidya Vati, respectively by the Commissioner, M.C. Shimla. The property tax receipts are Ex. PW-4/D-1, Ex. PW-4/D-2, Ex. PW-4/D-3, Ex. PW-4/D-4, Ex. PW-4/D-5, and Ex. PW-4/D-6.

xxx xxx xxx Shri Neeraj Gupta, Senior Advocate with Shri Ajeet Pal Singh Jaswal, Advocate, for the defendant No.1.

It is correct that I have only brought loose sheets of original notices from the file. The said notices are placed in the concerned file. It is correct that I have not brought the record pertaining to property tax receipts. The said original record is with Cash Branch of the M.C. Shimla. I have only brought the computer generated receipts today. I cannot tell who is paying the property tax of the Bhawan No. 19/20, New Bhawan, Shankli Shimla as of date, however, the tax is being paid. I cannot say who is paying the tax of the said building after the year 2015. It is correct that a notice dated 14.07.2015, vide No. MCS/Comm./Secy.Tax/15-683, was issued to S/Shri Joinger Mohan and Surender Mohan, under Section 124 of the HPMC Act.

xxx xxx xxx Shri Vaihav Tanwar, Advocate, for respondent No.2.

Opprotunity given. Nil.

(Paras Doger) Registrar (Judicial) 24rd August, 2024 (Pritam) 02.09.2024 Present: Shri Ashok Sood, Senior Advocate with Shri Khem Raj, Advocate, for the plaintiff.

Shri Neeraj Gupta, Senior Advocate with Shri Ajeet Pal Singh Jaswal, Advocate, for defendant No.1.

Shri Vaibhav Tanwar, Advocate, for defendant No.2.

Statements of PW-1 (Chuni Lal) and PW-3 (Durgesh Kumar), are resumed and completed. Statement of Dalip Narwal is recorded as PW-4.

Let Pws at Sl. No. 5 and 6 in the list dated 16.11.2019 be summoned for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 2nd September, 2024 (Pritam) 03.09.2024 Present:-

Shri Vidur Kapur & Ms. Tamanna Basoli, Advocates, vice Shri Arjun Lall, Advocate, for for the plaintiffs.

None for the defendant.

The plaintiff was required to be produced on self responsibility today. However, learned vice counsel for the plaintiffs has submitted that he could not come to the Court for adducing his evidence, as he has gone to Delhi. Accordingly, the matter is adjourned.

Let the plaintiff be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 3rd September, 2024 (Pritam) 03.09.2024 Present:-

Shri Manoj Rana, Advocate, for the plaintiff.

Shri Rakesh Sharma, Advocate, vice Shri Ajay Sipahiya, Advocate, for the defendant.

Steps for the service of Pws be taken within fifteen days, thereafter, the summons be issued for their service returnable for 24.12.2024.

Paras Doger Registrar (Judicial) 3rd September, 2024 (Pritam) 03.09.2024 Present:-

Shri Manoj Rana, Advocate, for the plaintiff.



Shri Rakesh Sharma, Advocate, vice Shri Ajay Sipahiya, Advocate, for the defendant.

Steps for the service of PWs be taken within fifteen days, thereafter, the summons be issued for their service returnable for 24.12.2024.

Paras Doger Registrar (Judicial) 3rd September, 2024 (Pritam)

04.09.2024 Present:-

Shri Mukul Sharma, Advocate, vice Shri Vir Bahadur Verma, Advocate, for the plaintiff.

None for defendant No.1.

Name of defendant No.2, stands deleted.

Shri Pranjal Munjal, Advocate, for the LR's of defendant No.3 and defendant No.4.

Learned vice counsel for defendant NO.3, seeks time for taking steps for evidence on behalf of defendants No.3 and 4.

Let the steps be taken for service of DWs on the behalf of defendants No.3 and 4, be taken within fifteen days, thereafter, the summons be issued for their service returnable for 26.12.2024.

Paras Doger Registrar (Judicial) 4th September, 2024 (Pritam) 04.09.2024 Present:-

Shri Ashutosh Bhardwaj, Advocate, vice Shri Karan Singh Kanwar, Advocate, for the plaintiff.

Shri Mohinder Prakash, Advocate, vice Ms. Kusum Chaudhary, Advocate, for the defendant.

Till date both the parties have not taken the steps nor filed the list of witnesses, hence, the plaintiff was directed to be produced on self responsibility.

Learned vice counsel for plaintiff submits that the plaintiff could not come to the Court due to his personal difficulties and seeks adjournment which is not opposed by the learned opposing counsel Let the plaintiff be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 4th September, 2024 (Pritam) 04.09.2024 Present:-

Shri Parikshit Sharma, Advocate, vice Shri Naresh Sharma, Advocate for the plaintiff.

Steps for service of PWs have not been taken. Learned counsel for the plaintiff seeks time for doing the needful.

Let the steps be taken within fifteen days and the plaintiff be produced on 27.12.2024.

Paras Doger Registrar (Judicial) 4th September, 2024 (Pritam)

05.09.2024 Present:-

Ms. Rinki Kashmiri, Advocate, vice Shri Janesh Gupta, Advocate, for the plaintiffs.

None for the defendant.

In compliance to the order dated 24.08.2024 of the Hon'ble Court, let the plaintiff's witnesses be produced on self responsibility on 31.12.2024.

Paras Doger Registrar (Judicial) 5th September, 2024 (Pritam) Shri Dhananjay Sharma, Advocate, for the plaintiff.

Without Oath 05.09.2024 I give Er. Rakesh Rehal, being repitative nature and also close the evidence on behalf of plaintiff.

R.O. & A.C. (Paras Doger) Registrar (Judicial) 5th September, 2024 (Pritam) 05.09.2024 Present:-

Ms. Sunita Sharma, Senior Advocate, with Shri Dhananjai Sharma & Shri Tawarsu, Advocates, for the plaintiff.

Shri Rahul Singh Verma, Advocate, for defendants No. 1,3 and 4.

Defendants No. 2 and 5 already ex-parte.

As per the office report, the diet money for summoning the PWs has not been deposited, due to which the summons could not be issued. However, the witness Shri Er. Rakesh Rehal, has been produced by the learned counsel.

Learned counsel for the plaintiff submits that he does not want to examine the present witness being repitative in nature and vide his separate statement given him up. Learned counsel also closed the evidence on behalf of the plaintiff.

Learned counsel for defendants No. 1,3 and 4 seeks time for DWs. Let the steps be taken within fifteen days, thereafter the process be issued for the service of Dws for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 5th September, 2024 (Pritam)

06.09.2024 Present:-

None for the plaintiff/non-counter claimant.

Kr. Bhupinder Singh, Advocate, for defendant/counter claimant.

As per the office report, summon issued to DW-3, has been received back un-served with the report that the addressee has gone out of station.

Let the fresh summon be issued for the service of witness mentioned at Sr. No. 3, in the list of witnesses filed by the defendant for the date to be fixed by the Additional Registrar (Judicial). Fresh PF be filed within seven days.

Paras Doger Registrar (Judicial) 6th September, 2024 (Pritam) 09.09.2024 Present:-

Shri Suneet Verma, Advocate, vice Shri Umesh Kanwar, Advocate, for the plaintiff.

Ms. Seema Azad, Advocate vice Shri Vasu Sood, Advocate, for the defendants.

Let the list of witnesses be filed within two weeks, thereafter, the Pws be produced on self responsibility for 20.12.2024.

Paras Doger Registrar (Judicial) 9th September, 2024 (Pritam) CMP (M) No. 690 of 2024 in RSA AW-8 Statement of Shri Sunil Kumar, S/o Shri Bhagi Rath Sharma, aged 41 years, VPO Badehar, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.

On Oath 09.09.2024 The respondents were restrained from carrying out construction work , however, the respondents in defiance of the order of the Hon'ble Court carried out the construction work on the spot. My father requested them to obey the orders of the Hon'ble Court, but they failed to do so. We complained about it to the local Panchayat but even then they continued to carry out the construction work on the land in dispute.

Complaint was also lodged in this regard, regarding dis- obedience to the local Police, even then the respondents continued with the construction work. The respondents carried out construction work in defiance of the orders of the Hon'ble Court on 23.04.2019 and they continued this construction work till about 10th May, 2019. I also clicked the photographs Ex. AW-8/A-1 to Ex. AW-8/A-15, Mark `X', now Ex. AW-8/A- 16, Ex. AW-8/A-17 to Ex. AW-8/A-26, clickerd on different dates as shown in the photographs, of the site where the construction was carried out by the respondents with my mobile phone and camera. I also get the same developed from my computer in my office. I have not tempered with the photographs in any manner and the same are correct which are clicked by me. To that effect I also place on record the certificate under Section 65B of the Indian Evidence

Act., qua the correctness and authenticity of these photographs. The certificate is Ex. AW-8/B, which is duly signed by me.

CMP (M) No. 690 of 2024 in RSA xxx xxx xxx Shri Mukul Sood Advocate for the respondents.

I am fully conversent with the entire case. I do not know when the summons sent by the High Court, has been received by the respondents. Voluntreed that we have shown the copy of the stay order to the respondents which was received by us through Whatsapp through our Advocate but they refused to abide by the orders of the Hon'ble Court. It is incorrect that the respondents were unaware about the stay order passed by the High Court when they doing the construction on the site. Our Advocate had sent the copy of the stay order on 24/25.04.2019, which was shown to the respondents on the same day. I clicked the photograpohs from my MI Mobile phone and personal camera (cannon). I have not brought the devices today in the Court. I cannot differentiate the photographs which were clicked by me from my mobile and from my camera. I do not remember the exact of clicking of these photographs. The dates apparent on the photographs is due to the memory card in my devices. It is correct that I have edited the date at my own after seeing the date of clicking of the photographs from my device. It is correct that the dates are not apparent automatically in the photographs while clicking the photographs. I am running a tour and travell agency and my office is at Sundernagar. My printer is of cannon make, ink based coloured printer. I generally use Executive Bond and A-4 size papers in my office. I have sepcially purchased the other papers for printing the photographs, which is used for printing the photographs. It CMP (M) No. 690 of 2024 in RSA is incorrect that an ordinary person cannot take the printouts on glossy from a normal printer. It is incorrect that the printouts of the photographs have been taken from the professional photographer. I have not brought any meta data pertaining to these photographs today. Self stated that these pohotographs are available as of today in my computer. I do not know the technical specification of the computer, however I have clicked the above said photographs and the printout of the same have been taken from the computer. I do not know whether the clicked photographs can be edited as I am not a technical expert. The clicked photographs are still in my mobile and camera and I have not transferred the same to any other device. I personally use my devices and no body from the family uses my devices. It is incorrect that the photographs are neither of the spot nor of the dates mentioned in the photographs. There is no studio of professional photographer in my village. It is incorrect that I am deposing false today just to harrass the applicant.

RO & AC (Paras Doger) Registrar (Judicial) 9th September, 2024 (Pritam) CMP (M) No. 690 of 2024 in RSA Statement of Shri Sumit Sharma, Advocate, for applicants.

Without Oath 09.09.2024 I close the evidence on behalf of the applicants, since the list of witnesses has been exhausted.

(Paras Doger) Registrar (Judicial) 9th September, 2024 (Pritam) CMP (M) No. 690 of 2024 in RSA 09.09.2024 Present:-

Shri G.D. Vermna, Senior Advocate with Shri Sumit Sharma, Advocate for the applicants.

Shri Mukul Sood and Shri Vivek Thakur, Advocates for the respondents.

Statement of Shri Sunil Kumar is recorded as AW-8. Learned counsel or the applicant vide his separate statement has closed the evidence on behalf of the applicants.

Learned counsel for the respondents seeks time for taking steps for RWs.

Let the steps be taken within fifteen days, thereafter, the process be issued for service of RWs, returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 9th September, 2024 (Pritam) Execution Petition No. 06 of 2024

10.09.2024 Present:-

Shri Satish Sharma, Advocate, for the Decree Holder.

None for the JD.

Let the warrant of attachment be issued for the Bank Accounts of the Judgment Debtor the detail of which has been given in the list of properties.

Paras Doger Registrar (Judicial) 10th September, 2024 (Pritam) 10.09.2024 Present:-

Ms. Kusum Chaudhary, Advocate, for the plaintiff.

Defendants already ex-parte.

As per the office report, summons issued to the plaintiff witness mentioned in the additional list of witness, filed on 08.07.2024, have not been received back. Let the fresh summons be issued, on old PF, for the service of witness mentioned in the list of witnesses dated 08.07.2024, returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 10th September, 2024 (Pritam)

11.09.2024 Present:-

Shri Ajay Kumar Dhiman, Advocate, for the plaintiff.

Shri Rahul Mahajan, Advocate, for defendants No. 1 and 2.

Ms. Tmanna Sharma, Advocate, vice Mr. Arush Matlotia, Advocate, for defendant No.4.

As per office report, steps for the summoning of the witnesses on behalf of the parties have not been taken. Two opportunities have already been granted, therefore, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 11th September, 2024 (Pritam) PW-1 Statement of Shri Sanjay Kumar S/o Late Nand Kishore Prasad, aged about 38 years R/o Basant Vihar Colony, Near Dhangli More, P.O. BCCL Township, Koyla Nagar, P.S. Sraidhela, District Dhanbad, Jharkhand.

On Oath

12.09.2024 I am a business by occupation. I know all the defendants since 2018 including Late Manoj Kumar Sood. On 31.03.2018, defendant No.3 invited me to come to Shimla. In the month of April 2018, I visited Shimla and I met defendant No.3, who also introduced me to her father (Manoj Kumar Sood) and brother (Aniket Sood). Thereafter, I went back to my native place, however we remained in contact with each other. Defendant No.3 and her father, telephonically and through messages informed me about their financial problems. They again called me to Shimla and showed me the about the loans of the Banks. They sought financial help from me so that they can pay the loans of the Banks as well as the market. I made payments to defendant No.3, through cash and Bank transaction amounting to Rs.51,45,000/- approximately till 03.10.2019. To that effect one affidavit was executed by defendant No.3, which is Ex. PW-1/A (objected to). Thereafter, from the money paid by me they discharged the loan raised on the shops and obtained the No Objection Certificate (NOC) from UCO Bank. In September 2018, defendant No.3, visited Jharkhand. Thereafter, the defendants use to take money from me in cash and Banks during different intervals. I have paid an hefty amount for more than Rs.1.00 crore to the defendants before the execution of the affidavit Ex. PW-1/B (objected to) by defendant No.4. Thereafter, the defendants again asked money from me but I refused to pay more money, however, I asked them to return the amount already paid by me. Thereafter, the defendants made a proposal to me to purchase their property in lieu of the amount already paid by me to them. I visited frequently Shimla in between this period i.e. 2018-2019. I asked them about the amount of the property which the defendants want to sell to me. The defendants told me that the value of the entire property which they want to sell will be about Rs. Three crore fifty lacs. The defendants executed two agreements to sell Ex. PW-1/C and Ex. PW-1/D, (objected to) for the selling of their property in lieu of the agreement to sell, I paid the entire sale consideration to the defendants by way of cash as well as in their Banks Accounts. I paid the cash amount over and above mentioned in the sale agreements to the defendants. The defendants showed the true value of the suit property i.e. Rs. 1,43,60,000/-, in the agreement to sell, however, they have accepted the total amount of Rs.3,50,00,000/- from me for the sale of the properties. I have also paid an amount of Rs.2,00,000/- approximately to the defendants towards the revenue charges/Stamp Duty. The defendants remained in my contact uptill November, 2019, thereafter, they started to become unreachable to me and no conversation took place. However, I came to know that the defendants have gone to Gurgaon, Haryana, for the treatment of Shri Manoj Sood,

therefore, I went to Gurgaon on 2nd and 3rd December, 2019 to meet them, but the defendants threatened me that they will falsely implicate me in Criminal Case. The defendants have to execute the sale deed in the month of December, 2019 as per agreements to sell. For the purchase of the property of the defendants my partner Shri Arvind Kumar, (Plaintiff No.2) had also contributed the amount. When ever I use to visit Shimla, the defendants use to demand money from me for their personal work and for the medical treatment of defendant No.1 (since deceased). When the defendants did not respond to my call and did not meet me, I was constrained to file the present Civil Suit. I also filed an FIR No. 206 of 2019 at Police Station Balidih, Bokaro, Jharkhand against the defendants for cheating for which they remained behind the bar for more than one year. After the filing of my present civil suit the defendants have filed a complainant/ FIR at Shimla against me for the forgery of the documents i.e. Ex.PW-1/A to Ex. PW- 1/D, in which cancellation report has been filed by the police and the matter is pending adjudication in the Court. The defendants had also filed petition for quashing of the FIR, lodged by me, before the Jharkhand High Court. Their petition was dismissed by the Jharkhand High Court. The defendants also went to Supreme Court but the case was transferred to Chandigarh District Court, which is still pending adjudication. The defendant No.3, had filed one FIR against me in Delhi also. The police had filed cancellation report in that case and the matter is subjudice in the Court at Delhi. The Jamanadis qua the suit property are Mark P-1 (two leaves) and Mark P-2, Since the defendants have not executed the sale deed even after taking the entire sale consideration I was constrained to file the present Civil Suit. Self stated that I can produce all the documents for proving the monetary transaction.

xxx xxx xxx Sumit Sood, Advocate for the defendants.

It is correct that I am not Himachali Agriculturist. I have not placed on record any partnership deed with Shri Arvind Kumar (Plaintiff No.2) at the time of filing of the present suit. Self stated that I can produce the same. I have not got the valuation of the suit property before the execution of alleged agreements and affidavits. Self stated that I relied upon the value which was quoted by the defendants for the sale of their properties. I have not placed on record the Bank transaction through which I have paid the amount to the defendants. Self stated that I can produce the same, however, the monitory transaction has been specified in Ex. PW-1/A to Ex. PW-1/D. I use to file income tax return. I have not annexed any ITRs in the present suit from which it could be inferred that any amount has been paid to the defendants during that financial year. Self stated that I can also produce the same. I have not brought the same today. I am the sole proprietor of M/s Project Equipments and Construction Company. I have engaged five Chartered Accounts/ Accounts to look after my accounts. I had employed two permanent accounts at that relevant time. As of date there is no permanent account with me. I have not placed on record any Account Books along with the present Civil Suit, in which the entries regarding to the defendants have been made. I have signed the plaint after going through the same. I do not remember whether I have showed my ITR return, Books of Account and Statement of the Bank transactions to my Advocate before filing of the present Suit. It is correct that there is no specific reference about the cash payments/ Bank transactions in the pleadings of the suit. It is correct that I came into contact with defendant No.3, through social media site through Bigo Live. Self stated that one frient of defendant No.3, namely, Abhinav (Abhi) introduced me to defendant No.3. It is incorrect that I have not annexed the documents pertaining to the payments intentionally because no such payments had been made to the defendants. I came

to Shimla for the first time in the month of April, 2018. I do not remember that whether Shri Vikas Taneja accompanied me to Shimla in April, 2018. The name of wife of Shri Vikas Taneja Smt. Neha Taneja. She is my sister. Shri Arvind Kumar (plaintiff No.2) is resident of district Kangra, Himachal Pradesh. I do not remember his exact address, however, I have visited house several time. I do not know the PAN number of Shri Arvind Kumar. I am not aware whether Shri Arvind Kumar use to file tax return. It is incorrect that when I visited Shimla for the first time Shri Manoj Kumar Sood was not in good health. Self stated that I met him in his shop when he was hail and healthy. It is correct that defendants No.1 and 2 is having one Hotel at Chakkar, Shimla in the name and style M/s Shymala Regency. It is correct that for the construction of the said Hotel the said defendants had taken the loan from UCO Bank. I do not know when I met the defendants the said Hotel was under the tenancy of Shri Digvijay. It is correct that the proceedings were going on in DEBT recovery Tribunal, Chandigarh. Self stated that the defendants have told me about that fact in the year 2019. I do not remember for how many times I visited Shimla in the year 2018. It is correct that before 2018 I was not having any business at Shimla. I do not have any family friends in Shimla before 2018. It is correct that in the photograph Ex. D-1, dated 13.05.2019, (objected to) my image is visible in the photograph. It is correct that the photographs Ex. D-1, pertains to the time, when I accompanied the defendants for taking the possession of the Hotel in DRAT proceedings by the Bank. It is correct that I have entered into agreement regarding the purchase of the property throughout India. I do not know the number of the agreements which have executed by me till date. I do not know in Jharkhand what is the Stamp Duty levied upon the agreement to sell in Jharkhand. It is correct that on the first pages of Ex. PW-1/C and Ex. PW-1/D, there is no signature of defendants No. 1 and 2. I do not remember the exact time of the execution of the agreements to sell. Self stated that the same was executed on 04.10.2019. I do not remember whether the above said agreements were entered by the Notary in his Register. I have not annexed the abstract of the Notary Registry with my suit. It is incorrect that I use to lookafter the proceedings of DRAT on behalf of defendants. Self stated that whenever I use to visit Chandigarh and there is date during that time in the DRAT then I accompany the defendants. I do not remember from where the papers were purchased on which the Ex. PW-1/A to Ex. PW-1/D, were scribed. Ex. PW-1/A to Ex. PW-1/D, were prepared by the Advocate, who put his signature for identifying the parties to the agreements and affidavits. I do not remember the name of the Advocate. It is correct that there is no Aadhar Card, Pan Card annexed with the affidavits and agreements of the defendants. It is correct that Mobile Nos. 9864302500, 9931127084 and 7004500182 belongs to me. All the cash transaction are entered in the Ledger/ Books of Accounts of my Firm. It is correct that on Bigo Live social site my ID was in the name of Rahul. Self stated that my nick name is Rahul. It is incorrect that chats Mark A-1, to Mark A-3, pertains to Bigo Live social site. It is incorrect that I have paid the amount to the defendants as a help only for the medical treatment of Manoj Kumar Sood. Self stated that for the first time I paid the amount for clearing the Bank and Market loans of the defendants. It is correct that I use to talk with all the defendants telephonically. It is incorrect that I asked the defendants to send the signed blank papers for filing the appeal in DRAT. It is incorrect that I along with the witnesses and notary forged the blank signed documents of the defendants due to which there is no signatures on the first page of the agreements to sell. I am graduate. Generally, I do not sign any document without reading the same. It is correct that on Ex. PW-1/B, underneath the signature the defendant has been written underneath that Advocate has also been written. It is correct that in the agreements to sell and affidavits no document supporting the payments have been annexed. Self stated that the



mentioning of consideration amount has been mentioned in the Ex. PW- 1/A to Ex. PW-1/D, itself. The above said documents were prepared at Dhanbad Court Campus. I am not aware office of the Sub Registrar is also at Court Complex Dhanbad. Self stated that in the Criminal Cases filed by me and by the defendants the police has placed on record the location of the defendants on 04.10.2019, whereby it was found that the defendants were at Dhanbad on that date. It is incorrect that Mark D-4 and Mark D-5, are blank signed documents which were sent by Arti Sood to me and prior to that she had send the photographs of the said documents. It is correct that in all the Exhibited document there is tick mark from the led pencil at the place where the signatures of defendants are appearing. It is incorrect that apart from Rs.51,70,000/-, no financial assistance has been given by me to the defendants. It is incorrect that agreements Ex. PW-1/C and Ex. PW-1/D, were not executed in the presence of the witnesses mentioned in the same. I have not annexed any documents showing the payment made by Shri Arvind Kumar to the defendants with the present suit. It is incorrect that Shri Arvind Kumar is known to the defendants. I do not remember that before filing the present suit I have disclosed to my Advocate the defendants have offered to sell their property for an amount of Rs. 3,50,00,000/-. It is incorrect that I have filed the suit with a view just to harass the defendants to purchase the suit property at meager price. The witnesses mentioned in the agreements to sell are known to me. It is incorrect that I am not entitled for the specific performance of the alleged agreements. RO & AC (Paras Doger) Registrar (Judicial) 9th September, 2024 (Pritam) 12.09.2024 Present:-

Shri Vikas Chauhan, Advocate, for the plaintiff.

Shri Sumit Sood, Advocate for the defendants.

Statgement of Shri Sanjay Kumar is recorded as PW-1. Let the other witnesses mentioned in the list of witnesses be produced by the plaintiff on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 12th September, 2024 (Pritam)

13.09.2024 Present:-

Shri Ashok Kumar, Advocate, vice Shri Karan Singh Kanwar, Advocate, for the plaintiff. Defendant ex-parte.

As per the office report, the plaintiff evidence is required to be produced on self responsibility. However, learned vice counsel for the plaintiff submits that the plaintiff could not come to the Court for adducing his evidence today on account of his illness.

Learned vice counsel seeks adjournment. Prayer considered and allowed. Let the plaintiff be produced on self responsibility on next date of hearing to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 13th September, 2024 (Pritam) 16.09.2024  
Present:-

Ms. Seema K. Guleria, Advocate, for the plaintiff.

Shri Abhishek and Shri Uday Kuthiala, Advocates, vice Ms. Rachna Kuthiala, Advocate, for the defendants.

No witnesses are present today. Learned counsel for the plaintiff submits that she has filed an application under Order VII Rule 14, read with Section 151 of the CPC for placing on record certain documents on 05.09.2024. Learned counsel for the plaintiff further submits that since the present application is required to be adjudicated upon before the evidence is led by the plaintiff, therefore, the said application be listed before the Hon'ble Court at the first instance.

Since the application is not on record, the registry is directed to trace and place it on record and list the same before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 16th September, 2024 (Pritam) 16.09.2024  
Present:-

Shri Maan Singh, Advocate, for the plaintiff and non-counter claimant.

Ms. Aashima Premy, Advocate, vice Shri Sunil Mohan Goel, Advocate, for the defendants/counter-claimant.

List of witnesses has already been filed by the plaintiff. Let the plaintiff be produced on self responsibility on 06.01.2025.

Paras Doger Registrar (Judicial) 16th September, 2024 (Pritam) 17.09.2024 Present:-

Shri Rakesh Thakur, Advocate, for the non- applicant.

Shri Sumit Sharma, Advocate, vice Shri B.C. Verma, Advocate, for the applicant.

Learned vice counsel for the applicant submits that due to inadvertence they could not contact their client and inform about the today's date of evidence.

Learned vice counsel submits that they will produce Shri Jagdish Thakur (applicant) on self responsibility on the next date of hearing.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date for AWs.

Paras Doger Registrar (Judicial) 17th September, 2024 (Pritam) 18.09.2024  
Present:-

Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for the plaintiff.

Shri B.R. Sharma, Advocate, for the defendant.

As per office report, process fee for summoning the AWs has not been filed due to which the witnesses, which are ordered to be summoned by the Hon'ble Court, in OMP No. 107 of 2024, has not been summoned, though, the diet money for summoning these witnesses has already been deposited on 10.06.2024.

Shri Shiv Kumar defendant is present today, but learned Senior Counsel for the plaintiff- applicant submits that they have specifically averred in OMP No. 107 of 2024 that the witnesses which has been mentioned in the application are required to produce the record for the purpose of cross examination of the defendant. In the absence of these witnesses, the defendant could not be examined.

Accordingly, the defendant (Shiv Kumar) is discharged for today. The process fee for summoning the witnesses mentioned in OMP No. 107 of 2024 be filed within two days and these witnesses be summoned for the date to be fixed by the Additional Registrar (Judicial). On the said date the defendant will also be produced on self responsibility. Other witnesses of the defendant will be summoned after the examination of the defendant.

Paras Doger Registrar (Judicial) 18th September, 2024 (Pritam) PW-3 Statement of Shri Surinder Singh, S/o Shri Dalip Singh aged about 68 years, R/o Hari Garden Colony Salli Road, Pathankot, District Pathankot, Punjab.

On Oath 19.09.2024 I have filed the present suit on my behalf as well as on behalf of the other plaintiff. The other plaintiffs have duly authorized me through Special Power of Attorney Ex. PW-3/A (Objected to) to do all the acts pertaining to the present suit. Shri Ramesh Chand defendant No.1 is known to me. The firm Shiv Shakti Stone Crusher was formed by Shri Ramesh Chand alongwith other partner, namely Prakash Chand. When we entered in the partnership with Shri Ramesh Chand in the defendant No.2 firm at that time the firm was not operational due to the paucity of the funds. When entered into the partnership with Shri Ramesh Chand at that time Prakash Chand was not partner to that firm. We entered into an agreement with the defendant No.1 vide agreement dated 21.03.2015, Ex. PW-3/B (three leaves) (objected to), qua laying the Stone Crusher. We also entered into partnership agreement with defendant No.1, vide partnership deed Ex. PW-1/A, dated 07.04.2015, which was registered in the office of Sub-Registrar, Amb, Una. After the execution of the aforesaid agreement as well partnership deed, we started the construction/ civil work on the site. We have also deposited the security of the electricity connection with the electricity department vide receipt Ex. PW-3/C, (objected to). The defendant No.1, has to complete the paper

work and have to apply for the loan from the Bank. But the defendant No.1 never applied for the loan from the Bank. In pursuance of the agreement Ex. PW-3/B, we paid an amount of Rs.75,00,000/- lacs to defendant No.1. We paid an amount of Rs.40,00,000/- lacs at the time of execution of the agreement and on 21.03.2015. Thereafter, an amount of Rs.10,00,000/- lacs was paid to defendant No.1 on 28.03.2015 in cash. The defendant No.1 executed the receipt qua the receipt of the an amount of Rs.10,00,000/- lacs on the back side of the agreement itself, which is Ex. PW-3/D. Thereafter, we again paid an amount of Rs.20,00,000/- lacs to defendant No.1 in cash. On 06.05.2015, we again paid an amount of Rs.5,00,000/- lacs to defendant No.1, to that effect the receipt was executed and Ramesh Chand including all the plaintiffs signed the said receipt which is Ex. PW-3/E. Apart from the above said amount we paid in total an amount of Rs.31,33,000/- to defendant No.1 during different intervals. The break up of amount of Rs. 31,33,000/-, we paid an amount of Rs.2,00,000/- lacs on 06.05.2015, on 12.05.2015, we paid Rs.5,00,000/ lacs, on 20.05.2015, we paid Rs.2,00,000/- lacs, on 28.05.2015, we paid Rs.9,00,000/-lacs. We also paid an amount of Rs. 3,33,000/- lacs as security to the electriciricity department and Rs. 10,00,000/- was deposited in the account of defendant No.1. Thereafter, we receive a notice Ex. PW-3/F, from defendant No.1. We replied to the said legal notice through our Advocate and the copy of reply to the legal notice is Ex. PW-3/G. The postal receipt is Ex. PW- 3/G-1. When conversation between the parties to the lis stopped, then we applied for information under RTI, from the office of Mining Officer, District Una, which were submitted by defendant No.1 in various departments . The copy of the RTI information received is Ex. PW-3/H( 189 leaves). After receiving the documents under RTI we came to know after receiving the amount from us the defendant No.1 has paid some amount to Prakash Chand and for withdrawing his partnership in the defendant No.2 firm. Thereafter, defendant No.1 give the information to the concerned department that he has become the sole proprietor of the firm. After execution of the partnership deed with us on 07.04.2015, the defendant No.1 entered into an agreement with the Mining Department informing that he is the sole proprietor of the said firm. Thereafter, we received a notice Ex. PW-3/J, dated 27.04.2016, from defendant No.1, qua cancellation of the partnership deed. Along with the notice he also send the copy of the desolution / cancellation of the partnership deed, which is Ex. PW-3/K. Since the dispute has arisen between us, therefore, we send a notice for appointment of the Arbitrator to defendant No.1, which Ex. PW-3/L, but the defendant No.1, did not reply to the same. We also made a complaint to the police, which is Ex. PW-2/1. We also made a complaint Ex. PW-3/M, dated 17.01.2017, 08.07.2018, Ex. PW-3/M-1, to the State Geologist. We also made complaint Ex. PW-3/N, to the Deputy Commissioner, Una. Thereafter, we were constrained to file the present suit.

xxx xxx xxx Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate for the for the defendants.

After sending of the notice for the appointment of the Arbitrator to defendant No.1, we applied for the appointment Arbitrator in the Court. Again stated we did not apply in the Court for the appointment of the Arbitrator. It is correct that all the plaintiffs are non-himachali and non-agriculturist of the State of Himachal Pradesh. It is correct that before entering into the agreement Ex. PW-3/B, and partnership deed Ex. PW-1/A, the plaintiffs did not apply for the permission under Section 118 of the H.P. Tenancy and Land Reform Act. It is incorrect that the entire land which was taken for the mining operations is agricultural land. The land of the village

Singha was taken for the mining operations from the Pardhan of the village, namely Jassi. Self stated that the other land was taken on lease from different persons by the defendant No.1. I do not know the details of those persons. We did not contacted the persons from whom the land was taken for the installation of the stone crusher. It is correct that we have not challenged the cancellation of the partnership deed Ex. PW-3/K, before any court separately. Self stated that we have filed the present suit. It is correct that we have also not challenged separately the agreement between defendant No.1 and the mining department. WE have deposited an amount of Rs.10,00,000/- lacs in the Account of defendant No.1 through our partner Raj Kumar. We have not deposited any amount in the Account of defendant No.2/ firm, after the execution of the agreement Ex. PW-3/B, as well as execution of the partnership deed Ex. PW-1/A. There is no separate agreement in between all the plaintiffs regarding entering into an agreement with defendant No.1. All the plaintiffs are income tax assesses. All the plaintiffs maintain their business accounts of their businesses as well as their other income separately. I cannot tell how much amount has been contributed by each plaintiff after the execution of the agreement with defendant No.1 today. Self stated that I can bring the record pertaining to that later on. It is correct that we have not annexed the details of the amount contributed by us along with the present suit. It is incorrect that since no payment has been made to defendant No.2, i.e. why no supporting document has been annexed with the present suit. It is correct that we have not annexed the income tax details of each plaintiff from which it could be ascertained that any amount has been paid to defendant No.1. I can produce my accounts of business as well as income tax returns if the same is directed to be produced by the Court. The other plaintiffs will also produce their Accounts of Business and Income Tax Returns, if so directed. The agreement Ex. PW-3/B, was executed at Una in a Hotel opposite to the Tehsil Office. I do not remember the name of the said Hotel. The agreement was scribed by document writer which was known to defendant No.1. The scribe was not known to me. It is incorrect that the agreement Ex. PW-3/B, has not been executed at Una. The witnesses in the said agreement ( Balbir Chand and Onkar Chand) are not known to us. The said agreement was got notarized by defendant No.1 in our presence. I do not know the name of Notary Public. The agreement was not entered by the Notary Public in his register in my presence. It is incorrect that no payment of Rs.40,00,000/- lacs was paid to the defendant No.1. WE have paid an amount of Rs.40,00,000/- lacs which was available with all the plaintiffs. Today I can not tell how much amount is contributed by each of the plaintiff on that day for paying the said amount to defendant No.1. I can also tell the amount contributed by me only after verifying my accounts. The receipt Ex. PW-3/E, was got typed by my partner (Raj Kumar). The said receipt was not typed in my presence. Self stated that I signed the said receipt. I do not remember the exact date of signing the receipt Ex. PW-3/E, since the matter pertains to the year 2015. It is correct that there is no date written in the receipt Ex. PW-3/E. It is correct that the name of scribe has also not been mentioned in Ex. PW-3/E. It is incorrect that Ex. PW-3/E, is a forged document. For entering into the partnership business with defendant No.1, we have authorized plaintiff No.1, Shri Raj Kumar. After entering into the agreement Ex. PW-3/B, and partnership deed Ex. PW-1/A, Raj Kumar started to work in the business from that date. The plaintiffs have not opened any office of the firm anywhere. Self stated that defendant No.1, had to open the office at Crusher site. The office was not opened after the execution of the agreement. The work of the office was to done in a shed. Shri Raj Kumar worked with defendant No.1, till the execution of civil work was going on the site. I do not remember the exact date upto when Shri Raj Kumar worked with defendant No.1. After the execution of the partnership deed business account were to be maintained

by defendant No.1. The defendant No.1 did not maintain any account pertaining to the partnership firm. No Bank Account in the name of partnership was opened in any Bank. The defendant No.1 had to maintain the account pertaining to the payments made in between the execution of the agreement and execution of the partnership. We did not inquire whether the any amount paid by the plaintiffs had gone into the Bank Account of defendant No.2. The Bank Account was to be opened in the name of defendant No.2, which was to be opened by signing of all the partner of the firm. We did not inquire from defendant No.1 about the opening of the Bank Account in the name of the firm. Self stated that we have asked defendant No.1 for doing the needful. I have also asked Raj Kumar about the opening of the Bank Account in the name of the Firm. Raj Kumar told defendant No.1 for opening the Account and also told him that we will come for opening the Account. It is incorrect that the Bank Account was to be opened only by the signature of Raj Kumar and defendant No.1. Self stated that as per the agreement the paper work was to be done by both of them. I use to inquire from Raj Kumar about the progress of the paper work. It is incorrect that no civil work was executed on the site. It is correct that we have not annexed any proof regarding the execution of the civil work on the site with the present suit. It incorrect that we have not paid Rs. 75,00,000/- lacs to defendant No.1. It is incorrect that no investment has been made by the plaintiff regarding establishment of the stone crusher. It is incorrect that the agreement Ex. PW-3/B, was executed for the purpose of seeking permission under Section 118 of the H.P. Tenancy and Land Reform Act by us. It is incorrect that the plaintiffs never acted upon after the execution of the partnership deed. It is incorrect that the entire amount on the stone crusher has been invested by defendant No.1 along and there is no contribution of the plaintiffs in the said project. It is incorrect that we have intentionally not annexed the record regarding payments in the present suit as no payment has made by us to defendant No.1. It is incorrect that I am deposing false.

xxx xxx xxx Ms. Sunaina, Deputy Advocate General for defendant No.3.

Opportunity given. Nil.

RO & AC (Paras Doger) Registrar (Judicial) 19th September, 2024 (Pritam) 19.09.2024 Present:-

Shri Devender Ghosh and Ms. Shalini Thakur, Advocates for the plaintiffs.

Shri G.D. Verma, Senior Advocate with Shri Sumit Sharma, Advocate, for the Defendants No.1 and 2.

Ms. Sunaina, Deputy Advocate General for defendant No.3.

Statement of Shri Surinder Singh is recorded as PW-3. Learned counsel for the plaintiffs submits that they will produce the other witness namely Shri Raj Kumar on self responsibility.

Let the case be listed before the Additional Registrar (Judicial) for fixing the date of remaining PWs.

Paras Doger Registrar (Judicial) 19th September, 2024 (Pritam) Arb. Case 40 of 2009 RW-1 Statement of Shri Prateek Kumar, Clerk, Civil Suit Section, High Court of Himachal Pradesh.

On Oath

20.09.2024 I have brought the entire requisitioned record of Arb. Petition No. 13 of 2014, titled as Himurja and others vs. Swastik Projects Private Ltd. The record of such petition also contains the original record of Arbitration Proceedings in which the sole Arbitrator was Hon'ble Mr. Justice Surinder Sarup (J. Retd). As per the original record statement of the said Arbitration proceedings titled as Swastik Projects Private Ltd. Versus State of Himachal Pradesh and others statement of was filed on 12.07.2008 and the certified copy is Ex. RW-1/A. As per the record, the Arbitration Award was passed by the sole arbitrator on 27.11.2013. The certified copy of the award is Ex. RW-1/B. As per the record, RW-1/A and RW-1/B, are true and correct copies (original seen and returned). (Exhibited documents are objected to on the ground of relevance). As per the record the objection under Section 34 have been preferred before the High Court which was registered as Arb. Petition No. 13 of 2014 against the aforesaid award. The certified copy of the petition is Ex. RW-1/C, which true and correct copies (Original seen and returned. (Objected to on the ground of relevance). The Arbitration Petition No. 13 of 2014 is still pending adjudication before the Hon'ble High Court.

xxx xxx xxx Shri J.S. Bhogal, Senior Advocate with Shri T.S. Bhogal, Advocate, for the petitioner.

Opportunity given-nil.

RO & AC (Paras Doger) Registrar (Judicial) 20th September, 2024 (Pritam) Arb. Case 40 of 2009 RW-1 Statement of Shri Vedhant Ranta, Advocate, for the respondent.

Without Oath 20.09.2024 Stated that I close the evidence on behalf of the respondent, since the list of witness has been exhausted.

RO & AC (Paras Doger) Registrar (Judicial) 20th September, 2024 (Pritam) Arb. Case 40 of 2009 20.09.2024 Present:-

Shri J.S. Bhogal, Senior Advocate with Shri T.S. Bhogal, Advocate, for the applicant-petitioner.

Shri Neeraj Gupta, Senior Advocate with Shri Vedhant Ranta, Advocate, for the respondent.

Statement of Shri Prateek Kumar, Clerk, Civil Suit Section, is recorded as RW-1. Learned counsel for the respondent vide his separate statement closed the evidence on behalf of the respondent.

Since evidence of the both the parties is complete, let the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 20th September, 2024 (Pritam) 20.09.2024  
Present:-

None for the applicant.

Ms. Sunaina, Deputy Advocate General, for the respondent-State.

As per office report, steps for service of witnesses have not been taken. Neither counsel nor any witness is present on behalf of the applicant.

Let the steps be taken within fifteen days, thereafter the process be issued for the service of AWs, returnable for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 20th September, 2024 (Pritam) 24.09.2024  
Present:-

Ms. Madhu P. Singh, Advocate along with Shri Praveen Chauhan, Advocate, for the plaintiff.

Shri Ajay Sharma, Advocate, vice Shri Peeyush Verma, Advocate, for defendants No. 1 to 5.

As per office report, Pws, mentioned at Sl. No. 2 and 3, in the list of witnesses are duly served, however, no one is present.

Learned vice counsel for the defendants submits that the original counsel for the defendants is contesting election of the H.P. High Court Bar Association, which is scheduled on 27.09.2024, therefore, he is busy in that affair.

Learned vice counsel for the defendants seeks adjournment on his behalf for the above stated reasons. The request of the learned vice counsel for the defendants is not opposed by the learned counsel for the plaintiff.

Accordingly, the matter is adjourned. Let fresh summons be issued for the service of of the witnesses mentioned at Sl. No. 2 and 3, in the list of witnesses again on filing the fresh PF for 07.03.2025.

Paras Doger Registrar (Judicial) 24th September, 2024 (Pritam) 25.09.2024: Present: Shri Ajay Kumar Dhiman, Advocate, for the plaintiff.

Ms. Madhurika Geeta Thakur, Advocate, vice Ms. Madhurika Sekhon, Advocate, for the defendant.



State of plaintiff Shri Hari Ram is record as PW-1. Let the other witnesses mentioned in the list of witnesses be produced on self responsibility on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 25th September, 2024 (Pritam) PW-1 Statement of Shri Hari Ram S/O Shri Surat Ram, aged 70 years, R/o Koon- Mankala, P.O. Shambhuwala, Tehsil Nahan, District Sirmour, H.P. On Oath 25.09.2024 The defendant is resident of my village. I have retired as Mason from Municipal Corporation, Nahan, District Sirmour on 31.10.2011. I and my family have good reputation in my area. The defendant had filed various false complaints against me before the various authorities. The defendant had also filed a criminal case against me in the Court of Judicial Magistrate Nahan, the copy of the order dated 07.02.2019, in the said complaint is Ex. PW-1/A. The copy of the said complaint is Mark-A. The defendant had also filed an appeal against the impugned order dated 07.02.2019. Thereafter, the defendant filed Cr. MMO No. 822 of 2022 in the High Court which was later on withdrawn by the defendant. The copy of the order of the Hon'ble High Court is Ex. PW-1/B. I have also sent legal notice to the defendant through my Advocate for damages on account of tarnishing my and my family reputation. The copy of the Legal Notice is Ex. PW-1/C. The defendant did not bother to reply the Legal Notice. Thereafter, I filed the present Civil Suit for damages for an amount of Rs. 1,05,00,000/- (Rs. One crores five lacs).t For maligning my and my family reputation in the society. All the complaints and court cases filed by the defendants were goes against him since they were without any basis. My suit may be decreed for an amount of Rs.1,05,00,000/- along with interest.

xxx xxx xxx Ms. Madhurika Sekhon, Advocate, for the defendant.

Before joining the Municipal Corporation Nahan, I was in Indian Army. I do not know my date of birth and I asked the Secretary Gram Panchayat to provide me the certificate age certificate as I had received an order qua regularization of my service. My birth year is 1952. It is correct that I have land dispute with the defendant. I do not know the date of my younger brother. It is correct that my elder daughter in law had filed a complaint beforfe the police against the defendant. Self stated that the matter was compromised in the police station itself. It is incorrect that case went to the Court. My elder son use to reside separate from me. I am not aware what allegation were made by my daughter in law against the defendant. It is incorrect that my year of birth is 1948. It is correct that in the Pariwar Register my age has been mention as 16.10.1953. The date of birther of my younger brother is mentioned in the pariwar register is 1943. It is incorrect that I have levelled false allegation against the defendant and thereby damaged his reputation. It is incorrect that since I have land dispute with the defendant, therefore, I have levelled false allegation against him. It is incorrect that due to the said land dispute, I have filed the present suit against the defendant jutst to harass him. It is incorrect that I have tempered with the record qua my age for getting the employment. Self stated that since the exact date of birth was not mentioned in any record, therefore, after due process before the Sub Divisional Magistrate, my age certificate has been issued. Shri Mohan Lal is my elder brother and the name of my younger brother is Gian Chand. My younger brother had expired six years ago. I have two sisters and six brothers out of which one sister and three brothers have died. It is incorrect that I am deposing false. It is incorrect that the present suit is without any basis.

RO & AC (Paras Doger) Registrar (Judicial) 25th September, 2024 (Pritam)62.

26.09.2024 Present: Ms. Sunita Sharma, Senior Advocate with Shri Dhananjay Sharma, Advocate, for the plaintiff.

Defendants No. 2 and 3 already ex-parte. Suit against defendants No. 4 to 6 stand dismissed vide order dated 19.12.2003. Shri Rahul Mahajan, Advocate, for defendant No.7.

As per the office report, the road and diet money has not been deposited. Learned senior counsel for the plaintiff submits that they will do the needful within ten days.

On depositing of diet money, the summons be issued for the service of PW-1, mentioned in the list of witnesses for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 26th September, 2024 (Pritam) 27.09.2024 Present: Shri Mukul Sood, Advocate, for the plaintiff.

Shri Kulwant Singh Gill, Advocate, for defendants No. 2 and 3.

Learned counsel for the plaintiff submits that the witnesses are not present today and he will produce the witnesses on self responsibility on the next date of hearing.

Learned counsel appearing defendants No. 2 and 3, submits that he will have to move an application for setting aside the ex-parte order dated 05.07.2024. Learned counsel for defendants No. 2 and 3, further submits that he will move the said application within two weeks.

If the application is filed within the time prayed by learned counsel for defendants No. 2 and 3, the same be listed before the Hon'ble Court for appropriate orders, failing which, the matter be listed before the Additional Registrar (Judicial) for fixing the date for ex-parte evidence of the plaintiff.

(Paras Doger) Registrar (Judicial) 27th September, 2024 (Pritam) 30.09.2024 Present: Shri Rajinder Kumar Sharma, learned vice counsel for the plaintiff.

Shri Janesh Gupta, learned counsel for the defendant.

Learned vice counsel for the plaintiff submits that no witness is present today, however, he will produce the plaintiff on the next date of hearing on self responsibility.

Let the case be listed before Additional Registrar (Judicial) for fixing the date for plaintiff's evidence on which date the plaintiff be produced on self responsibility.

(Paras Doger) Registrar (Judicial) 30th September, 2024 (Pritam) DW-1 Statement of Shri Ashok Kumar aged about 56 years, S/o Shri Chet Singh, R/o Village Ropa, Post Office Galma, Tehsil Balh, District Mandi, Himachal Pradesh.

On Oath 01.10.2024 I am 10th pass. I am shopkeeper by occupation. Plaintiff Ram Lal is known to me. I along with my brothers (defendant No. 2 and 3), entered into an agreement of sale with the plaintiff. We have agreed to sell our three shops to the plaintiff. The sale consideration of the shops was Rs. One crore twenty lacs. At the time of execution of the agreement to sell the plaintiff had paid an amount of Rs. 30,00,000/- as earnest money and thereafter, as per the agreement to sell, the plaintiff had to pay an amount of Rs. 30,00,000/- upto 20.11.2019. But the plaintiff only paid a sum of Rs., 25,70,000/- instead of Rs. 30,00,000/- as per the agreement. Thereafter, the plaintiff did not pay any amount. I have taken house loan from Indian Overseas Bank Ner Chowk by mortgaging the shop. The Bank issued no objection certificate Mark-D-2. The Canara Bank has also issued no objection certificate Mark D-1, in favour of my brother Bharat Kumar and Central Bank of India, has also issued the no objection certificate Mark D-3, in favour of my brother Vinod Kumar. The plaintiff without paying any amount was insisting to get the sale deed executed and was asking that he will pay the amount later on after the execution of the sale deed. The plaintiff was not having sufficient funds to execute the sale deed. On the first floor of the shops in dispute our father had constructed two room set also. We have also supplied the no objection certificates issued by the Banks to the plaintiff. The receipts Ex. PW-1/C-1 to Ex. PW-1/C-9, were never executed in our presence. We have also replied to the legal notice issued by the plaintiff to us. As of date the value of the property in dispute is about 2.5 crores. Since the defendant has failed to pay the entire sale consideration despite repeated requests and did take any steps for the execution of the sale deed, therefore, as per the agreement the earnest money paid by the plaintiff was forfeited.

xxx xxx xxx Shri George, Advocate, for the plaintiff.

It is correct that we have good relations with the plaintiff as the plaintiff is also running business at Ner Chowk. The agreement to sell was executed prior to the execution of the sale deed as the plaintiff was not having entire sale consideration available with him at that relevant time. It has not been written in the agreement that since the plaintiff was not having entire sale consideration available with him at that time, therefore, agreement to sale was prepared. The copy of the jamabandi was attached with the agreement to sell. It is incorrect that the document writer prepared the agreement to sell on the basis of the jamabandis produced to him by us. It is correct that on the date of the agreement to sell the share of all the defendant was mortgaged with the different Banks. It is incorrect that the plaintiff was having the entire sale consideration for paying the same to the defendants but since the property was mortgaged with the different Banks due to which the sale deed was not executed directly. It is incorrect that I am deposing false the plaintiff was not readily available with the entire sale consideration. It is correct that after going through the agreement to sell I appended my signature on it. It is correct that I also identifies the signatures of my brothers on the agreement to sell. It is correct that the agreement to sell was executed in the presence of the parties to the lis as well as witnesses present there. It is incorrect that we have agreed to sell the entire land, shops, amenities as well as rights mentioned in the agreement to sell to the plaintiff. It is incorrect that at the time of execution of agreement to sell no construction was raised on the first floor of the shops in dispute. I am not known to Hukam Chand Contractor. It is incorrect that the plaintiff alongwith Hukam Chand Contractor visited us and asked us to get the mortgage redeemed so that the plaintiff could raise the construction over the shops. It is incorrect that we asked the plaintiff to raise the construction over the said shops and we do not have any objection. It is

incorrect that thereafter, the plaintiff raised construction on the first floor through Hukam Chand Contractor. It is incorrect that only lentil has been led on the first floor and there is no two room set on the said floor. I do not know that the plaintiff was having his own shop at Ner Chowk. I do not know in order to pay the sale consideration the plaintiff sold his own shop by believing our words to pay the sale consideration. I do not know that the plaintiff has to take the shop on rent for which he is paying Rs.25,000/- per month. It is correct that Ex. PW-1/C-2, bears my signature in red circle B. It is incorrect that Ex. PW-1/C-1, bears my signature. It is incorrect that vide Ex. PW-1/C-1, I received an amount of Rs. 14,80,000/- on 12.06.2020 in the presence of the witnesses mentioned in the said receipt. It is correct that vide Ex. PW- 1/C-2, I received an amount of Rs.12,70,000/- in the presence of the witnesses mention in the receipt. I cannot identify the signatures of my brother on the receipt Ex. PW-1/C-3 to Ex. PW-1/C-9. It is correct that I redeemed my home loan amount to Rs.10,00,000/- with the Bank on 28.08.2018. I never use to do the construction work. It is correct that I have limit in the Bank in the name of Ashoka Construction. It is incorrect that I have deposed falsely that I have redeemed home loan amounting to Rs.10,00,000/-. After redeeming my loan from the Bank, I have deposited the no objection certificate to the revenue officer. It is correct that as per the agreement the date for the execution of sale deed was 30.05.2020. It is incorrect that on 30.05.2020, plaintiff along with the two witnesses came to us and ask for the execution of the sale deed. It is incorrect that on that day we told the plaintiff that since the property in dispute has not been redeemed, therefore, we asked some more time. It is incorrect that during different intervals I and my brother Bharat use to visit the plaintiff and receiving the money by execution of the different receipts in the presence of the witnesses. It is incorrect that even after the expiry of the date of the execution of the sale deed, we use to receive the money on the assurance that we will execute the sale deed after redeeming the mortgaged property. I do not know on 03.02.2023, my home loan amounting to Rs.10,00,000/- was entered to be redeemed in the revenue document. It is incorrect that I and my brother Bharat received a total amount of Rs.82,30,000/- on different dates on the assurance of redeeming the mortgaged property and will execute the sale deed. As of date I am not ready to execute the sale deed. It is incorrect that the defendants was never ready and willing to perform the agreement to sell and to execute the sale deed. It is incorrect that the defendants use to give false assurances by receiving the amount from the plaintiff on different dates. It is incorrect that from the very beginning the defendants was no intention to execute the sale deed. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 1st October, 2024 (Pritam)62.

01.10.2024 Present: Shri George, Advocate, learned counsel for the plaintiff.

Shri T.S. Chauhan, learned counsel for the defendants.

Statement of Shri Ashok Kumar is recorded as DW-1. Let DWs mentioned at Sl. No. 1 to 3, in the list of witnesses be summoned for the date to be fixed by the Additional Registrar (Judicial).

The diet money for summoning the DWs be deposited within fifteen days.

(Paras Doger) Registrar (Judicial) 1st October, 20224 (Pritam) PW-1 Statement of Ms. Vijay Verma, aged 72 years W/o Shri Om Prakash Verma, House No. PP-172, Sector-108, Mohali, Punjab.

On Oath 03.10.2024 I am house wife. From the year 1993 till 15 th May, 2019, I use to run computer centre at Solan. My computer center was situated Prakash Villa, Rajgarh road, Solan, H.P. We have purchased the land, on which the computer center was situated, in the year 1983. The copy of Jamabandi of the said land is Ex. PW-1/A. We have constructed three and half storeyed building on the said land, which was constructed from the year 1987 to 1992, after taking the due permission from the concerned department. I was running my computer center in the ground floor of the said building. The ground floor was consisted of three rooms and one glazed varamda. My computer center was recognized with Computer Society of India as well as Rajasthan University. Copy of the registration certificate is Mark-A. My computer center was also registered with Ministry of Micro Small and Medium Enterprises, copy of the Udyog Aadhar Memorandum is Mark-B. In the year 2019, about 125-130 students were enrolled with my computer center. The course which were being run in my computer center were BCA, MCA, Six months and one year diploma. I use to earn net profit of about Rs. Six lacs per annum from my computer center. The photocopy of the attendants sheets of the students for the month of December, 2018, is Mark-C (six leaves). My husband also use to run his business in the name and style of Now Technology. The sole proprietary was also registered with Ministry of Micro Small and Medium Enterprises. The copy of the Udyog Aadhar Memorandum is Mark-D. My husband also use to earn about Rs. Six lacs per annum from his business. In the month of August 2018, we went to Chandigarh for the eye operation of my husband. We remained at Chandigarh up till 13.01.2019 and came back to Solan on 14.01.2019. When we opened our house on 14.01.2019, then we notice that the walls of our house had received the cracks on it. Besides to our house there is one vacant plot of the defendants in which the defendants had started the digging work with the JCB machines, due to which our house received cracks on account of the vibration of the JCB machines. Then brought it to the knowledge defendants about the cracks in our house, but the defendants assured that they will get the cracks repaired. Inspite of that the defendants did not stop the digging work. They use to operate the JCB machines in the early morning and late evening hours. They do not use to operate the JCB machine during day hours. On 16.01.2019, when the defendants used the JCB machines, then the stare case to our house suddenly collapsed and we along with the students of the computer center were struck in the house and the computer center. The students of the computer center were rescued from the back side of the computer center through the house of Superintendent of Police, Solan. We did not lodge any complaint to the police as the defendants had assured us that they will do the entire repair and get the things right at the earliest. But the defendants neither repair the stare cases nor the cracks developed in our house. Inspite of that the defendants did not stop their work on the spot. On 27.01.2019, me and my husband lodged a complaint at Police Station Sadar Solan. Then the police called the defendants to the police station and got the matter compromised between us and the defendants. The hand written copy of the compromise is Mark-E. I also appended my signature on the said agreement which is in red circle Ex. PW-1/B. The defendants have also appended their signature of the said compromise in my presence. Our employee Ms. Kavita Chauhan also appended her signature on the said agreement as witness. Since on 27.01.2019, it was Sunday, therefore, on the next day i.e. on 28.01.2019, the undertaking-cum-agreement was executed between the parties to the lis, which is Ex. PW-1/C (objected to on the mode of proof and admisibility). I have appended

my signature on the said agreement which is in red circle 'A'. The defendants as well as Ms. Kavita Chauhan, also appended their signatures on Ex. PW-1/C. The defendants were insisting to sell our building to them. The defendants send this offer through Ms. Kavita to us also. The defendants use to threatened in case we would not sell our property to them then they will damage our entire property. In spite of the undertaking-cum-agreement, Ex. PW-1/C, the defendants did not repair our house. On 01.02.2019, we again lodged a complaint in the Police Station Solan, against the defendants. On the basis of the complaint, the police made a Kalandra, which is Mark-F. I and my husband also lodged complaints before the Deputy Commissioner, which is Mark- G. On 24.03.2019, defendant No.1 Nitin and his brother Vitin came to our house and threatened us to sell the building to them. They also misbehaved with me by pulling my hair. On the same day me and my husband went to the police station again for lodging the FIR. The Police officials called the defendants to the police station, where Nitin and Vitin gave a written apology, the copy of the same is Mark-H. Nitin and Vitin appended their signature on Mark-H. On 26.03.2019, the defendants brought heavy drilling machine and started to drill underneath to our house, due to which our building started to tilt. Then we lodged an FIR at Police Station Solan. The copy of the FIR is Mark-J. In spite of the lodging of the FIR the defendants did not stop the digging work on the site. The police also did not stop them due to political pressure. A news item was also published in the Amar Ujala Newspaper regarding lodging of the case due to reckless digging. Copy of the news item is Mark-K. On 08.04.2019, we again lodged a complaint before the Superintendent of Police Solan, copy of the complaint is Mark-L. We also filed an application in the proceedings under Section 133 Cr. PC for the inspection and urgent decision before Sub Divisional Magistrate, Solan. I and my husband signed the said application. My signature in Mark-M, is in red circle Ex. PW-1/D. Thereafter, Sub Divisional Magistrate Solan forwarded a letter Mark-N, to The Tehsildar Solan for doing the needful. In spite of the order of SDM Solan, no official came on the site for the spot inspection, therefore, we again moved an application before SDM Solan, in the proceedings under Section 133 Cr.PC. The copy of the application is Mark-P, which was duly signed by my husband and myself. My signature is in red circle Ex. PW- 1/E. We also lodged a complaint to the Directorate of Town and Country Planning Shimla, the copy of the same is Mark- Q. My signature in the said complaint is Ex. PW-1/F. Due to the reckless, digging and cutting by the defendants our property has been damaged. On 14.05.2019, we again lodged complaints to the authorities, the copy of the said complaints is Ex. PW-1/G-1, and Ex. PW-1/G-2. I am conversant with the signature of my husband, who had appended the signature on Ex. PW-1/G-1 and Ex. PW-1/G-2. Despite the above said complaints to the authorities, no body came to the site. I again filed a written complaint on 15.05.2019, to the SHO Police Station Solan as well as Deputy Commissioner and Superintendent of Police Solan. The copy of the said complaints are Ex. PW-1/H. When I came back to my house at about 4.00 p.m., after giving the complaint on 15.05.2019, the retaining wall as well part of the building collapsed. The house hold articles also buried in the debris. Due to the collapse of the building the road leading to Rajgarh also blocked. Thereafter, all the authorities came to the spot and the FIR No. 113 of 2019 was lodged by my husband. Copy of the FIR is Mark-R. On the same day i.e. 15.05.2019, the Sub Division Magistrate Solan has also decided the proceedings under Section 133 Cr. PC. The certified copy of the order is Ex. PW-J. The authorities declared our house as un- inhabitable, unsafe and asked us to vacate the same immediately. We could only take out the basic need item as well as valuable items from our house. We could not take out the computers/record from the computer center and other house hold items from our house. We stayed

for four-five days in the house of our family friend. On 19.05.2019, me and my husband also informed to the SHO Police Station Solan regarding vacation of our house. The copy of the letter is Mark-S. My signature in Mark-S, is in red circle 'A'. me and my husband also made complaint to the different authorities on 30.05.2019, the copies of the same are Ex. PW- 1/K-1 and Ex. PW-1/K-2 (objected to on the mode of proof and admisibility). We also moved an application for disobedience of the order under Section 133 Cr. PC, on 30.05.2019 before Sub Divisional Magistrate. The copy of the same is Mark-T. WE again made another complaint to the Deputy Commissioner, Solan on 31.05.2019. The copy of the same is Ex. PW-1/L (objected to on the mode of proof and admisibility). I identify my signature of my husband which is in red circle 'A'. I also made another complaint on 04.06.2019, which is Ex. PW-1/M (objected to on the mode of proof and admisibility). After vacating our property, we are residing in the rented accommodation taken from our daughter. We are paying an amount of Rs.30,000/- per month as rent. We also got evaluated the damages of our property from the registered valuer, who assessed the damages to the tune of Rs.65,17,000/-. Copy of the valuation report is Mark- U. We also got clicked the photographs of our damaged building which are Mark-V-1 to Mark-V-47. The Public Works Department has also given the assessment of the damages vide its report, which is Mark-W. Due to the digging by the defendants, apart from our property the government accommodation /house of Superintendent of Police and House of Dr. Raina, was also damaged which were also got vacated by the authorities. We also filed a Civil Writ Petition No. 2057 of 2019, before the Hon'ble High Court, which is still pending adjudication whereby the digging and constructions activities by the defendants were stayed by the Hon'ble High Court. The defendants are not owner of the plot adjacent to our property and they have forged the revenue record qua their ownership as well as area. We have also lodged an FIR to that effect which is Mark-X. One complaint under Section 156 (3) Cr. PC has also been filed before the Court by us against the defendants. The defendants have also given wrong information qua their area while submitting for the approval of the maps. To that effect we have also made online complaint, which is Mark-X-2. We have also made various complaints to the various authorities against the defendants, which is Mark X-3, Mark X-4, Mark X-5, Mark X-6, Mark X-7. My husband appended the signatures on the said complaints and I identify the same. After taking the possession of the adjacent plot by the defendants they got demarcated the land in which we were also associated. All the parties to the demarcation were satisfied with the demarcation, which was being conducted in the year 2018. We had constructed the building in our own area. After the vacation of our property, defendants again got demarcated the land, in which we were not associated. Due to the act and conduct of the defendants we have suffered the damages to the tune of Rs. one crore seventeen lacs, for which we are entitled from the defendants.

xxx xxx xxx Shri Navneet Kumar Bhalla, Advocate for the defendants.

Our house was within Municipal Area. The maps which were got approved for the construction of the building in the years 1987 and 1992, I have not annexed with the present suit. I do not know how much floor area and the number of the stories were sanctioned in the year 1987 and 1992. Self stated that in the year 1992, first flooor and attick was sanctioned. It is correct that in the year 1987 the map of basement and ground floor was sanctioned. I do not know that map Mark D-1 and sanctioned letter Mark D-2, pertains to our house. We can produce the approved map which was sanctioned in the year 1992 for first floor and attick. It is incorrect that no map was sanctioned for

our house in the year 1992. It is incorrect that no map of first floor and attick was ever sanctioned by the authorities. It is incorrect that the Muncipal Corporation has demolished some part of our house on account of the illegal constructions raised by us. Self stated that there was some deviation which was being compounded on the payment of Rs.200/-. I do not remember that thereafter we applied for the sanction of the revised map. It is incorrect that the revised map was sanctioned only for the basement and first floor. I do not know that revised Mark-D-3, pertains to my house. I cannot identify my signature on Mark-D-1 and Mark D-3. It is incorrect that since no map has been sanctioned qua first floor and attick due to which the same has not been produced on record. I cannot produce the sanctioned map for first floor and attick which was sanctioned in the year 1992 on the next date of hearing. I do not know the number vide which the map for first floor and attick was sanctioned in the year 1992. I have disclosed about the sanctioning of the plan in the year 1992 to my counsel before drafting of the plaint. I have not shown that map to my counsel at any point of time. It is incorrect that our first floor and attick is illegal. WE have purchased the said land from Shri Jia Lal after due execution of the sale deed and the Tatima was also annexed with the sale deed. I have not annexed the said Tatima with the plaint. We have shown the said Tatima to our Advocate before filing the present suit. I do not know whether the said Tatima is not in my possession as of date. Our front towards Solan- Rajgarh road was 22 meters. I can produce the revenue document from which it can be shown that our front was 22 meteres. I have neither brought any revenue document today nor any such document has been annexed with the case file. It is incorrect that our map has been sanctioned only on 16 meters front. It is correct that after purchasing the land mutation was entered to that effect. It is incorrect that in that mutation our front was shown as 16 meters. I do not know that the mutation Mark-D-4 (three pages) and Tatima pertains to my property. It is correct that as per revenue record in between our plot and the plot of the defendants there is one path which leads to Dr. Raina House. Self stated that there is no constructed path on the spot. I do not know the width of the said path in revenue record is 2 meters. I do not know Dr. Raina and Pashupatinath and others have purchased the land from Shri Bhim Dutt. I do not know the khasra No. of the said path is 690/2. I do not know whether mutation No. 496 and Tatima appended in the mutation pertains to Pashupatinath and others Mark D-5 (two pages). It is incorrect that we have written wrong facts in our plaint that our plot and the plot of the defendants are adjoining each other. It is incorrect that we have encroached the above said path mentioned in the revenue record.

The cross examination of the witness is deferred since the Court time is over.

RO & AC (Paras Doger) Registrar (Judicial) 3rd October, 2024 (Pritam)62.

03.10.2024 Present: Shri Ravinder Singh Chandel, Advocate, for the plaintiff/non- counter claimant.

Shri Navneet Kumar Bhalla, Advocagte for the defendants.

Cross examination of Ms. Vijay Verma, is deferred since the Court time is over.

Let this witness be produced on self responsibility for further cross examination for the date to be fixed by the Additional Registrar (Judicial).



(Paras Doger) Registrar (Judicial) 3rd October, 20224 (Pritam) 04.10.2024 Present: Shri Parmod Thakur, Advocate, for the plaintiff.

Shri Jeevesh Sharma, Advocate, for defendants No. 1 to 4.

None for defendants No. 5 and 6.

As per the office report, summon as well as notice under Order XVI Rule 12 CPC, issued to PW-1, mentioned in the list of witnesses, is duly served. The perusal of the report on the summon as well as on the notice under Order XVI Rule 12, CPC shows that the same have been received by the witness himself.

Despite due and effective service of summon as well as the notice under Order XVI Rule 12 CPC, the witness did not come to adduce his evidence.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

(Paras Doger) Registrar (Judicial) 4th October, 20224 (Pritam) CMP(M) No. 1159 of 2023 in RSA AW-1: Statement of Shri Jagat Ram, S/o Shri Ranjit Singh aged about 56 years, presently working as Assistant Engineer, Namhol Sub Division, HPPWD, Namhol, District Bilaspur, Himachal Pradesh.

On Oath 14.10.2024 I am working as Assistant Engineer in Sub Division Namhol from 29.07.2021. I am conversant with the factual position of the present case. I have been duly summoned from the Court for adducing evidence and I have been duly authorized by the Executive Engineer, Bilaspur Division No.2, HPPWD, Bilaspur on behalf of the applicant. Engineer Shri Anil Kumar remained our Superintending Engineer (SE) during the year 2022. The present appeal has been filed under the signature of Shri Anil Kumar Sharma and thereafter, after removal of objection, fresh present application was filed under the signature of present Superintending Engineer, namely Shri Jeet Singh Thakur. I am conversant with the signature the then Superintending Engineer and the present Superintending Engineer. The present appeal along with application have been prepared, vetted and filed under my supervision. The present appeal could not be filed within the stipulated time. There is about nine months delay in filing the present appeal. The first appellate court passed the judgment on 29.11.2021. The department received the information regarding the decision of the first appellate Court on 16.12.2021 through the District Attorney Bilaspur. Thereafter, we sent the present case for the opinion of our department on 28.12.2021. After processing the case file the department send the case file to us on 01.04.2022 after getting the opinion for filing the present appeal. Thereafter, draft appeal was prepared under my supervision and the same was sent further processing to the higher authorities. On 03.12.2022, after vetting the appeal was received in our department, which was got signed by the Superintending Engineer on 13.12.2022 and finally on CMP(M) No. 1159 of 2023 in RSA 07.01.2023, the appeal was filed in the Hon'ble High Court. The delay in filing the present appeal was neither intentional nor willful but due to aforementioned bonafide reasons.

xxx xxx xxx Shri Manish Gupta, Advocate for the respondents.

It is correct that no official conversation regarding processing the case file within the department has been placed on record with the application. Self stated that it is in our official record. It is incorrect that after receiving the judgment and decree of first appellate court from the office of District Attorney the case file could be sent to the legal department directly without sending it to the Superintending Engineer Office. It is incorrect that after receiving the judgment and decree from the District Attorney no effective steps were taken within time bound manner and due to the lapse on the part of the department the file was not sent within time for obtaining the legal opinion. It is correct that inspite of signing of the appeal on 13.12.2022 by the SE, the appeal could not be filed upto 07.01.2023, Self stated that due to paucity of the staff as well as other codal formalities, the same could not be send till 07.01.2023. It is incorrect that due to laxity on the part of the department the appeal could not be filed within time. It incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 14th October, 2024 (Pritam) Statement of Shri Tejasvi Sharma, Additional Advocate General for the applicants.

Without Oath 14.10.2024 Stated that I give up Shri Ramesh Kumar, Senior Assistant being repetitive in nature and also close the evidence on behalf of the applicant.

RO & AC (Paras Doger) Registrar (Judicial) 14th October, 2024 (Pritam) Statement of Shri Manish Kumar Gupta, Advocate, for the respondents.

Without Oath 14.10.2024 Stated that I do not want to lead any evidence in rebuttal.

RO & AC (Paras Doger) Registrar (Judicial) 14th October, 2024 (Pritam) 04.10.2024 Present: Shri Parmod Thakur, Advocate, for the plaintiff.

Shri Jeevesh Sharma, Advocate, for defendants No. 1 to 4.

None for defendants No. 5 and 6.

As per the office report, summon as well as notice under Order XVI Rule 12 CPC, issued to PW-1, mentioned in the list of witnesses, is duly served. The perusal of the report on the summon as well as on the notice under Order XVI Rule 12, CPC shows that the same have been received by the witness himself.

Despite due and effective service of summon as well as the notice under Order XVI Rule 12 CPC, the witness did not come to adduce his evidence.

Accordingly, let the matter be listed before the Hon'ble Court for appropriate orders.

(Paras Doger) Registrar (Judicial) 4th October, 20224 (Pritam) CMP(M) 1159 of 2023 in RSA 14.10.2024 Present: Shri Tejasvi Sharma, Additional Advocate General , for the applicants.

Shri Manish Kumar Gupta, Advocate, for the respondents.

Statement of Shri Jagat Ram is recorded as AW-1. Vide separate statement, learned Additional Advocate General give up other witness Shri Ramesh Kumar and also close the evidence on behalf of the applicants.

Learned counsel for the respondents, vide his separate statement, also submits that he does not want to lead any evidence in rebuttal on behalf of the respondents.

Accordingly, the evidence is complete. Let the matter be listed before the Hon'ble Court for appropriate orders.

(Paras Doger) Registrar (Judicial) 14th October, 20224 (Pritam) CMP(M) No. 43 of 2024 in RSA 15.10.2024 Present: Shri Hitesh Kumar, Advocate, vice Shri Dalip K. Sharma, Advocate for the applicants.

None for respondents No. 1 to 11.

Shri Mukul Sood and Shri Vivek Sharma Advocates, for respondent No.12.

As per order dated 18.07.2024 of the Additional Registrar (Judicial), the applicants witnesses are required to be produced on self responsibility. However, learned vice counsel for the applicants submits that no witnesses are present today.

The perusal of case file shows that even the list of witnesses have not been filed till date despite two opportunities given by the Additional Registrar (Judicial). Learned vice counsel for the applicants submits that they will file the list of witnesses within two weeks.

Let the applicants witnesses be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 15th October, 20224 (Pritam) CMP(M) No. 43 of 2024 in RSA 15.10.2024 Present: Shri Hitesh Kumar, Advocate, vice Shri Dalip K. Sharma, Advocate for the applicants.

None for respondents No. 1 to 11.

Shri Mukul Sood and Shri Vivek Sharma Advocates, for respondent No.12.

As per order dated 18.07.2024 of the Additional Registrar (Judicial), the applicants witnesses are required to be produced on self responsibility. However, learned vice counsel for the applicants submits that no witnesses are present today.

The perusal of case file shows that even the list of witnesses has not been filed till date despite two opportunities given by the Additional Registrar (Judicial). Learned vice counsel for the applicants submits that he will file the list of witnesses within two weeks.

Let the applicants witnesses be produced on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 15th October, 20224 (Pritam) Civil Suit No. 59 of 2021 a/w Counter Claim No. 37 of 2023 15.10.2024 Present: Shri Prashant Sharma, Advocate, for the plaintiff/non-counter claimant.

Ms. Diksha Thakur, Advocate, vice Shri Atul Jhingan, Advocate, for the defendant/non-counter claimant.

As per office report, steps for summoning the plaintiff's witnesses have not been taken. Leanred counsel for the plaintiff submits that he will take the steps within two weeks.

Let the plaintiffs be produced at the first instance on self responsibility on 24.03.2025.

(Paras Doger) Registrar (Judicial) 15th October, 20224 (Pritam) 16.10.2024 Present: Shri Servedaman Rathore, Advocate, for the plaintiff.

Shri B.N. Sharma, Advocate, for the defendants.

Learned counsel for the plaintiff submits that he will produce the plaintiff on the next date of hearing on self responsibility. Learned counsel for the plaintiff seeks adjournment for today. Prayer allowed.

Let the plaintiff be produced at the first instance on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

(Paras Doger) Registrar (Judicial) 16th October, 2024 (Pritam) Criminal Appeal No. 233 of 2022 PW-23 Statement of Shri Prithvi Singh Chauhan, Co-operative Inspector, Block Chopal, District Shimla, Himachal Pradesh.

On Oath 16.10.2024 I have brought the original death and birth Register of Gram Panchayat Jhalta, Tehsil Jubbal, District Shimla. In the year 2006, I was posted as Secretary Gram Panchayat Jhalta, Chopal, District Shimla. I have seen Ex. PY today. The original entries in the birth and death Register pertaining Ex. PY, had been entered by me on the information given by the father, namely Shri Banarsi Dass of child `R'. I identified my signature on Ex. PY, which is Ex. PY-1. I have made the entries in the birth and death Register on 06.02.2006. However, as per the information the child `R' was born on 20.01.2006. After making the entries in the birth and death Register, the entries are made in the family Register. I have brought the original Pariwar Register also which started in the month of May, 1989, in which at page No. 104, at Sl. No. 18 the name of the elder daughter of Banarsi Dass was entered as Slity and was entered on 10.12.1998 and on the same page between Sl. Nos. 17 and 18 the name of second daughter of Banarsi Dass has been entered as `R' having date of birth 20.01.2006. I had also brought the Pariwar Register which was continued after 31.12.1990. On this Register, the family/Pariwar of Bansrsi Dass S/o Bishan Dass, has Criminal Appeal No. 233 of

2022 been entered against House No. 327 BPL, at page No.

189. On the said page, Shri Banarsi Dass having wife (Deepna Devi) having date of birth 01.07.1975, and daughter 'R' date of birth 10.12.1998, and youngest daughter 'N' date of birth 20.01.2006, are entered. When I entered the family of Banarsi Dass in the Pariwar Register, I inquired the family head Banarsi Dass regarding correctness of his family members, whereby he had stated that I had changed the name of my elder daughter from Slity to 'R' and the name of youngest daughter has been stated by him as 'N' and I had entered accordingly. When I entered the name first time on 06.02.2006, it may be by mistake hearing that this Banarsi Dass would have spoken 'N' and I had heard 'R' because the entries are made in Gram Sabha and many of the people remains around us. The name entry of dated 06.02.2006, Ex. PY and the entry on Pariwar Register of Banarsi Dass Ex. PW-10/B, showing 'N' as daughter of Banarsi Dass are of the same child. I had also brought the photocopy of old Pariwar Register showing Page No. 104 and I can produce it in the Court. The same is Mark 'A'. The copy of the abstract of the original entries at Page No. 104 in Pariwar Register May, 1989, is Ex. PW-23/A. I have not made the entry at Sl. No. 17 and 18 at page No. 104. Again stated that the writing might be mine. (Original seen and returned).

Criminal Appeal No. 233 of 2022 xxx xxx xxx Shri George, Advocate, for the appellant-accused.

It is correct that I have made the entry in the birth and death Register solely on the information given by the father of the child. It is correct that as of date I am not the custodian of the record brought by me today. I have brought this record after taking the permission from the Panchayat Secretary, Gram Panchayat Jhalta, Chopal, District Shimla. Today I cannot produce any permission given by the Secretary Gram Panchayat Jhalta. It is correct that there is no certification regarding the period of the family Register. It is correct that on Ex. PW-23/A, the entries pertaining to Sl. Nos. 17 and 18 have not been authenticated by any official or officer. It is correct that the entry in the birth date of 20.01.2006 at Sl. No. 17 and 18, is incorporated in between the birth entries for the year 26.01.1997 and 10.12.1998. It is correct that as per Ex. PW-23/A, 20.01.2006, is the date of birth of 'R'. It is correct that in Ex. PW-23/A the name of child 'N', has not been mentioned anywhere. Self stated that the earlier name of child 'R' was Sality. It is correct that in the second Pariwar Register also there is no certification of the period it pertains to. Self stated that first page of this Register half torned due to which the year could not ascertained but it was started after 2006. It is correct that there is a certification that it contains 200 page, however, Criminal Appeal No. 233 of 2022 there are only 194 pages. Self stated that some of the pages might have torn. It is correct that the entries in the birth and death Register are statutory entries and it cannot be changed at its own. It is incorrect that the entries in the family Register has been manipulated by me. It is correct that in the Pariwar Register Ex. PX, there are certain cuttings. Self stated that the same has not been done by me. I do not remember the specific date and time when the entries made by me on the Register Ex. PX. I remained as Secretary, Gram Panchayat Jhalta from the year 2005 to 2008 and the entries have been made by me in the Pariwar Register during that period. These entries were made by me in the Pariwar Register in the office. After the change in the name of the child in family Register I did not made any correction in the birth and death Register. It is correct that whenever entries are to amended due to any reason then there is a procedure the Registration of Birth and Death Act. It is correct that the periodical statements are to be sent to the Registrar Birth and Death. It is correct

that the amendments made in the Pariwar Register are to be notified before the Registrar. It is correct that I have not informed the amendment in the name of the child 'R', to the Registrar. I am aware about the Rule 15 of the Registration of Birth and Death Act, which pertains to correctness of the entries in the birth and death Register. It is correct that I have not followed the procedure as mentioned in Rule 15 of the said Act. Self stated that I do Criminal Appeal No. 233 of 2022 not remember whether I have followed the procedure at that relevant point of time. It is correct that in Ex. PY, I have not made any entry regarding the change of the name of child 'R', in the margin of the said Register. It is incorrect that in Ex. PW23/A, at Sl. Nos. 17 and 18, I have intentionally inserted the entry 20.01.06. It is incorrect that the entry pertaining to 20.01.06 seems to be recently made. It is incorrect that all the entries made in the Pariwar Register are manipulated later on. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 16th October, 2024 (Pritam) Criminal Appeal No. 233 of 2022 16.10.2024 Present: Shri George, Advocate, for the appellant.

Shri Tejasvi Sharma, Addl. Advocate General, Shri Raj Negi and Ms. Sunaina, Deputy Advocate General, for the respondents.

Statement of Shri Prithvi Singh Chauhan, is recorded as PW-23. During the course of the examination in Chief, Shri Tejasvi Sharma, Additional Advocate General started to misbehave with the undersigned and started to dictate his terms by stating that this is a criminal case and anything can be marked or exhibited at any stage during the examination. This is not for the first time, earlier also he has misbehaved with the undersigned.

The Hon'ble Court is requested to take note of this fact at the time of taking up of the matter.

Learned counsel for the appellant submits that the statement of PW-10, has been recorded in part by the Hon'ble Court vide order dated 22.07.2024, and his statement is required to be completed.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

(Paras Doger) Registrar (Judicial) 16th October, 2024 (Pritam) 17.10.2023 Present: Mr. Vikas Deep and Ms. Nidhi Jain, Advocates, for the plaintiff.

Shri Vedhant Ranta, Advocate, vice Shri Janesh Gupta, Advocate, for the defendant.

Shri Pavel Garg (plaintiff), is present. Learned vice counsel for the defendant submits that the Senior Counsel Shri Bhupender Gupta, who has to cross examine this witness has gone for his medical checkup. Learned counsel seeks adjournment on that ground, which is not opposed by the learned counsel for the plaintiff.

Accordingly, the plaintiff, who is present today is discharged. Let the case be listed before the Additional Registrar (Judicial) for fixing the date of plaintiff's evidence, who shall be produced on self responsibility on that day.

Paras Doger Registrar (Judicial) 17th October, 2024 (Pritam) 17.10.2023 Present: Mr. Vikas Deep and Ms. Nidhi Jain, Advocates, for the plaintiff.

Shri Vedhant Ranta, Advocate, vice Shri Janesh Gupta, Advocate, for the defendant.

Shri Pavel Garg (plaintiff), is present. Learned vice counsel for the defendant submits that the Senior Counsel Shri Bhupender Gupta, who has to cross examine this witness has gone for his medical checkup. Learned counsel seeks adjournment on that ground, which is not opposed by the learned counsel for the plaintiff.

Accordingly, the plaintiff, who is present today is discharged. Let the case be listed before the Additional Registrar (Judicial) for fixing the date of plaintiff's evidence, who shall be produced on self responsibility on that day.

Paras Doger Registrar (Judicial) 17th October, 2024 (Pritam) 17.10.2023 Present: Mr. Vikas Deep and Ms. Nidhi Jain, Advocates, for the plaintiff.

Shri Vedhant Ranta, Advocate, vice Shri Janesh Gupta, Advocate, for the defendant.

Shri Pavel Garg (plaintiff), is present. Learned vice counsel for the defendant submits that the Senior Counsel Shri Bhupender Gupta, who has to cross examine this witness has gone for his medical checkup. Learned counsel seeks adjournment on that ground, which is not opposed by the learned counsel for the plaintiff.

Accordingly, the plaintiff, who is present today is discharged. Let the case be listed before the Additional Registrar (Judicial) for fixing the date of plaintiff's evidence, who shall be produced on self responsibility on that day.

Paras Doger Registrar (Judicial) 17th October, 2024 (Pritam) Cr. MP(M) No. 1127 of 2024 in Criminal Appeal 18.10.2023 Present: Ms. Sunaina & Ms. Santosh Dogra, Deputy Advocate General, for the applicant.

Ms. Geeta, Advocate, vice Shri V.S. Rathore, Advocate, for the respondents.

Learned Deputy Advocate General seeks time for taking steps for summoning the witnesses.

Let steps be taken within fifteen days and thereafter process be issued for the service of AWs returnable for 21.04.2025.

Paras Doger Registrar (Judicial) 18th October, 2024 (Pritam) 21.10.2023 Present: Shri Vinod Gupta, vice counsel for the Plaintiff.

None for defendants No. 1 and 2.

Shri Tarun Brakta, vice counsel for defendants No. 3 to 5.

As per order dated 23.07.2024, of the Additional Registrar (Judicial), the plaintiff was required to be produced on self responsibility today for adducing his evidence.

Learned vice counsel for the plaintiff submits that the plaintiff is ill due to which he could not come to the Court. However, no prescription slip or any medical treatment summary have been produced today.

The Hon'ble Court vide order dated 25.04.2024, has given the last opportunity to the plaintiff to examine their witnesses. Since the plaintiff has not come to the Court for adducing his evidence, therefore, the undersigned has no other option but to list the matter before the Hon'ble Court.

Accordingly, the matter be listed before the Hon'ble Court for appropriate orders.

Paras Doger Registrar (Judicial) 21st October, 2024 (Pritam) 22.10.2023 Present: Shri Dhananjay Sharma, Advocate, for the plaintiff.

None for the defendants.

As per office report, PF and list of witnesses have been filed but the road and diet money has not been deposited by the plaintiff due to which the summons could not be issued to the witnesses.

Learned counsel for the plaintiff submits that he will deposit the diet money within fifteen days.

Let the needful be done within fifteen days, thereafter, the matter be listed before the Additional Registrar (Judicial) for fixing the date of plaintiff's evidence.

Paras Doger Registrar (Judicial) 22nd October, 2024 (Pritam) 23.10.2024 Present: Shri Ankit Chandel, Advocate vice Shri Anshul Attri, Advocate, for the plaintiff.

None for defendant No. 1.

Ms. Shrutika Chauhan, Advocate, vice Shri Dheeraj Vashishth, Advocate, for defendants No. 2, 4 and 5. Ms. Bhavya Sharma, Advocate vice Shri Rupinder Singh Thakur, Advocate, for defendants No. 6 and 7.

As per office report, process fee has not been filed for summoning the plaintiff's witnesses. However, list of witnesses and diet money have already been filed.

Learned vice counsel for the plaintiff submits that he will file the process fee within fifteen days.

Today the case is listed for plaintiff's evidence, who is required to be produced on self responsibility. Learned vice counsel for the plaintiff submits that he could not come to the Court due to



unavoidable reasons and seeks adjournment, which is not opposed by the learned vice counsel for the defendants.

Let the PF be filed within fifteen days. Further, plaintiff be produced for adducing his evidence on self responsibility for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 23rd October, 2024 (Pritam) 24.10.2024 Present: Ms. Narvada, Advocate, vice Shri Ajay Vaidya, Advocate, for the plaintiff.

Shri Harsh Vardhan, Advocate for the defendants.

The plaintiff is required to be produced on self responsibility today for adducing his evidence. However, learned vice counsel for the plaintiff submits that the plaintiff will be produced on the next date of hearing as he could not come to the Court due to some unavoidable reason.

Let the plaintiff be produced on self responsibility for adducing his evidence on the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 24th October, 2024 (Pritam) CMP(M) No. 1159 of 2023 in RSA AW-1: Statement of Shri Jagat Ram, S/o Shri Ranjit Singh aged about 56 years, presently working as Assistant Engineer, Namhol Sub Division, HPPWD, Namhol, District Bilaspur, Himachal Pradesh.

On Oath 25.10.2024 Stated that presently I am working as Assistant Engineer in Sub Division Namhol from 29.07.2021. I am fully conversant with the contents of the present case. I have been duly authorized by the Executive Engineer, Bilaspur Division No.2, HPPWD, Bilaspur, Himachal Pradesh, to adduce on behalf of the applicant. The then Engineer Shri Anil Kumar remained our Superintending Engineer (SE) during the year 2022. The present appeal had been filed under the signature of Shri Anil Kumar Sharma and after the removal of objection, the present application was filed under the signature our present Superintending Engineer, namely Shri Jeet Singh Thakur. I know the signature of the then Superintending Engineer and the present Superintending Engineer since I have worked with them. The present appeal along with application have been prepared, vetted and filed under my supervision. The present appeal could not be filed within the time. There is about ten months delay in filing the present appeal. The lower appellate court passed the judgment on 29.11.2021. The department received the information regarding the decision of the lower appellate Court on 16.12.2021, through the District Attorney Bilaspur. Thereafter, we sent the present case for the opinion of our department on 28.12.2021. After processing the case file, the department send the case file of this case to us on 01.04.2022, after getting the opinion for filing the present appeal. The draft appeal was prepared under my supervision and the same was sent for further processing to the higher authorities. On 03.12.2022, after vetting the appeal the same was received in our department, which was got signed by the Superintending Engineer on 13.12.2022 and CMP(M) No. 1159 of 2023 in RSA lastly on 09.01.2023, the appeal was filed before the Hon'ble High Court of Himachal Pradesh. The delay in filing the present appeal was not intentional nor wanton but due to aforementioned bonafide reasons. Therefore, the delay in filing the appeal may be condoned to facilitate substantial justice.

xxx xxx xxx Shri Manish Gupta, Advocate for the respondents.

It is correct that no official conversation with respect to processing the present case file within the department has been placed on record with the present application. Self stated that it is in our official record. It is incorrect that after receiving the judgment and decree of first appellate court from the office of District Attorney, the case file could be sent to the legal department directly without sending it to the Superintending Engineer Office. It is incorrect that after receiving the judgment and decree from the District Attorney no effective steps were taken within time bound manner and due to the lapse on the part of the department the file was not sent within time for obtaining the legal opinion. It is correct that despite of signing the appeal on 13.12.2022 by the SE, the appeal could not be filed upto 09.01.2023. It is correct that as per our record, the opinion of Government was received on 01.04.2022 for filing the present appeal. It is incorrect that from 01.04.2022, till 09.01.2023, no effective steps for filing the appeal has been taken by the department. Self stated that due to shortage of the staff as well as other formalities the same could not be filed till 09.01.2023. It is incorrect that due to laxity on the part of the department the appeal could not be filed within time. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 25th October, 2024 (Pritam) Statement of Shri H.S. Rawat, Additional Advocate General with Ms. Sunaina, Deputy Advocate General for the applicants.

Without Oath 25.10.2024 Stated that I give up Shri Ramesh Kumar, Senior Assistant being repetitive in nature and also close the evidence on behalf of the applicant. RO & AC (Paras Doger) Registrar (Judicial) 25th October, 2024 (Pritam) CMP(M) 1180 of 2023 in RSA 25.10.2024 Present: Shri H.S. Rawat, Additional Advocate General with Ms. Sunaina, Deputy Advocate General, for the applicants.

Shri Manish Kumar Gupta, Advocate, for the respondents.

Statement of Shri Jagat Ram is recorded as AW-1. Vide separate statement, learned Additional Advocate General give up other witness Shri Ramesh Kumar, who is present in the Court. Learned Additional Advocate General also closed the evidence on behalf of the applicants.

Learned counsel for the respondents, vide his separate statement also submits that he does not want to lead any evidence in rebuttal on behalf of the respondents.

Accordingly, the evidence is complete. Let the matter be listed before the Hon'ble Court for appropriate orders.

(Paras Doger) Registrar (Judicial) 25th October, 2024 (Pritam) Statement of Shri Manish Kumar Gupta, Advocate, for the respondents.

Without Oath 25.10.2024 Stated that I do not want to lead any evidence in rebuttal on behalf of the respondents. RO & AC (Paras Doger) Registrar (Judicial) 25th October, 2024 (Pritam) PW-6: Statement of Shri Sunil Suman S/o Shri Sahi Ram, aged about 41 years, R/o Krishna Niwas, Village

Badash, P.O. A.G. Office, Tehsil & District Shimla, Himachal Pradesh.

On Oath 28.10.2024 Stated that I was working as Manager in the franchise of Adidas which was taken by Shri Sunil Khanna, in the name of M/s Puran Chand Satya Paul Khanna, from the year 2009 to 2017. I use to maintain the stock, sale and purchase of their business. The Adidas company use to give minimum guarantee to M/s Puran Chand Staya Paul Khanna to the tune of Rs.2,90,000/- approximately per month. The minimum guarantee was paid by Adidas to the firm upto December, 2012. The company has sent their representative namely Shri Kartik Sood to the firm to introduce new concept, namely Adidas SIS in place of old concept/agreement dated 09.09.2009. As per the new concept, the Adidas company had to sent the fresh stock and in lieu of that the firm had to pay an amount to Rs.5,00,000/-, which was paid to the Adidas company. In spite of payment of Rs. 5,00,000/- the fresh stock was never sent by the Adidas company. However, the company use to sent the discount coupons. Due to the non-sending of the fresh stock by the defendant's company there was drastic fall in the sales of the firm and the firm suffered huge losses.

xxx xxx xxx Shri Neeraj Gupta, Senior Advocate with Shri Pranjan Munjal, Advocate for the defendant.

I was engaged by Shri Sunil Khanna as Manager to look-after his business of the firm. At the time of my appointment there were two partners of the plaintiff firm namely Shri Sunil Khanna and Shri Rajneesh Khanna. I was not given any appointment letter by the firm at the time of my engagement. No agreement was executed between plaintiff and defendant in my presence at the initiation of the business. I never attended any meeting subsequently when the terms and conditions of the business concept was changed. I have never seen the documents regarding change of new business concept. I am not aware of the terms and condition of the new SIS concept. It is incorrect that there was no terms and conditions regarding depositing of Rs. 5,00,000/- on account of the new concept for receiving the fresh material. Self stated that I have myself deposited the said amount in the Bank Account of the defendant-company. The plaintiff firm had engaged one accountant for looking of the accounts of the firm. The name of the said Accountant was Shri Bhuvan Sharma. I am graduate. I have never studied Accounts in my studies. Self stated that I use to check/assist the accounts of the firm. The plaintiff-firm use to file the Income Tax Return. The same was used to be filed by the Accountant and I have never filed the return for the firm. It is incorrect that I was not aware about the monetary transaction between the plaintiff and the defendant. It is incorrect that today I am deposing only on the asking of the plaintiff No.2. It is incorrect that the defendant-company had to supply the fresh stock only after the fulfilling of the terms of the MOU, which was never complied by the plaintiff-firm. It is incorrect that I am deposing false.

RO & AC (Paras Doger) Registrar (Judicial) 28th October, 2024 (Pritam) PW-7: Statement of Shri Neeraj Kumar, Senior Executive Accounts, aged about 44 years Blue Dart Express Limited, SCO 270, Sector-14, Panchkulla, Haryana On Oath 28.10.2024 Stated that I am Senior Executive Accounts, in the Blue Dart Express Limited. I am working in the said company from 19.09.2007. The receipt Mark 'A', has been issued by our company. The original receipt of Mark 'A', is not available with the company as of date.

xxx xxx Shri Neeraj Gupta, Senior Advocate with Shri Pranjan Munjal, Advocate for the defendant.

Opportunity given. Nil.

RO & AC (Paras Doger) Registrar (Judicial) 28th October, 2024 (Pritam) 28.10.2024 Present: Mr. Dev Raj, Advocate, for the plaintiffs.

Mr. Pranjal Munjal, Advocate, for the defendant.

Statement of of Shri Sunil Suman and Shri Neeraj Kumar, are recorded as PW-6 and PW-7, respectively. As per office report, PW mentioned at Sl. No. 6, in the list of witnesses dated 16.11.2016, is reported to be un-served.

Let fresh steps be taken for summoning the witness mentioned at Sl. No. 6, dated 16.11.2016, in the list of witnesses within one week. Thereafter, the process be issued for the service of this witness for the date to be fixed by the Additional Registrar (Judicial).

Paras Doger Registrar (Judicial) 28th October, 2024 (Pritam) PW-1: Statement of Mrs. Haripriya Mann W/o Shri Govind Singh Mann and aged about 60 years, R/o West Field Chotta, Shimla, Himachal Pradesh.

On Oath 29.10.2024 Stated that my date of birth is 27 th August, 1964. My father late Shri Suraj Jit Chaudhri expired on 17 th June, 2017. Me and my younger half sister namely Sonal Chaudhri Dhillon are legal heirs of my father. The properties of my father were HUF properties. My father was Karta of HUF. At the time of his death he left property at Delhi situated at No.20, Friends Colony West, New Delhi, properties at Dalhousie known as Chander Cottage and Ekantika and property at Village Ralhan, District Hoshiarpur Punjab. All the above said properties were HUF properties. My parents took divorce in the year 1967 when I was about three years old. In the property situated at Bakrota (District Chamba) the name of my father in the revenue has been mentioned as Shri Surjeet Singh. Self stated that the actual name of my father Suraj Jeet Chaudhri. The property at Friends Colony New Delhi was purchased by my grand father late Shri Sadhu Ram Chaudhri in the month of October 1953. My grand father had expired in the year 1955. My father had one brother namely Shri Kamal Jit Chaudhri. My father and my uncle (Chachha) had partitioned the property in Friends Colony in New Delhi in the year 1964. The property which came into the share of my father was given new number which is 20-A, Friends Colony (West) New Delhi. My grand father had purchased the property at Friends Colony as Karta of HUF.

The copy of the Sale Deed is Ex. PW-1/A. (Objected to on the ground of mode of proof. However, the said document has also relied upon by the defendant No.1, which has been admitted by the plaintiff). My father had entered into a collaboration agreement pertaining with Vantage Construction Company for the development of the property situated at Friends Colony New Delhi. As per the agreement my father was entitled to 46% share in the built up portion. Due to the non fulfillment of the terms and conditions of the said agreement, it landed into litigation in Delhi Court.

There are about three-four cases, out of which two are still pending in the appellate Courts and the other two cases have been disposed of by the Trial Court and the Appellate Court. In two cases, which are pending in the Delhi High Court, I and my sister (defendant No.1) are party in that cases in the capacity of legal heirs of my father. There are three houses which are in the possession of my sister in the property situated at 20-A, Friends Colony, New Delhi. Self stated that one is occupied by my sister, second has been rented out and third one which is in the basement is used by her as a Store. The apartment/house has been rented out by my sister to lady namely Ms. Sonia Singh. The rent of the said house in the year 2017 was about 2.75 lacs per month, which might have been increased as of date. After the death of my father, I issued the notice to the revenue authorities in Delhi and Dalhousie regarding the death of my father to inform about the factum of the death of my father. The copies of the notices is Ex. PW-1/B, Ex. PW-1/D, Ex. PW-1/F, Ex. PW-1/ F and the postal receipts are Ex. PW-1/ C, Ex. PW-1/ E, Ex. PW-1/ H, Ex. PW-1/ J and acknowledgment receipts are Ex. PW-1/ K and Ex. PW-1/ L. I have also received a letter from South Delhi Municipal Corporation to defendant No.1, which is Mark `A'.

My father was suffering from Heart ailment, brain strokes also. My father had suffered first brain stroke in the year 2005 and thereafter in the year 2006 and 2011. The stroke of 2011 was major one. Due to the stroke in the year 2011, his right side was affected and he was even to move independently as well as to eat himself. His speech had also become slurred. The health of my father was deteriorated after the stroke in the year 2011. He was totally dependent on the attendant with him. The treatment of my father was done in Fortis Escorts Hospital and Army Hospital at Delhi. I have annexed the record of the treatment of my father with my suit. Escort Hospital had allotted a permanent ID Number 00111671 to my father.

My relation with my father were affectionate and cordial. He frequently use to visit me at my place. I also use to visit him at Dalhousie and Delhi. We also use to take him for outside at my Farm House at Uttar Pradesh and to visit at Delhi, Shimla and other places. My children also accompanied to different places in Himachal Pradesh and other places. When we visited Dalhousie, defendant No.1 also accompanied us. At that time defendant NO.1 was unmarried. When I was at Delhi I use to visit my father twice a month. Most of the time I use to visit along, some time my husband and friends also visit to him. My husband refused to accompany me later as he found the environment hostile against us. All the movable items like jewelry FDRs etc., are in the possession of my half sister (defendant No.1). I lastly visit my father in 20-A, Friends Colony, New Delhi six-seven months ago before his death. When I lastly visit my father, he was in a crouched in and foetal position. His eyes were blank and he was not responding. He was not even able to recognizing me.

My father was involved in a criminal case pertaining to Sikand Murder Case as a prime accused. He remained in Tihar Jail for about eight-nine months in the year 2008. I use to visit him when he was in Tihar Jail as I was on the visitors list. During my visit my father use to tell me to inform/ give direction to his Advocates. During my visit to Tihar Jail my husband also accompanied me some times. Mr. Ram Jethmalani and Mr. Minocha represented him in that case. Ultimately, he was acquitted in that case. I not aware about any Will which is alleged to have been executed by my father. He was not in a fit state of mind prior to his death to execute a Will and he had died within seventeen days from the execution of the alleged Will.

xxx xxx Shri Bhupender Gupta, Senior Advocate with Shri Janesh Gupta, Advocate for the defendant.

It is correct that the property situated at 20, Friends Colony, New Delhi was purchased by my grand father prior to my birth. My grand father was in Police. He was first IGP of Delhi. I am not aware that my grand father had made an oral gift in favour of my father and my uncle (Kamal Jit Chaudhri). I have not seen the revenue record pertaining to property 20, Friends Colony personally. I am not aware that the revenue authorities had attested the mutation Number 1335 in favour of my father and my uncle on 16.03.1954. My father was Army Officer. I am not aware when he joined the Army. My uncle Shri Kamal Jit Chaudhri was working in some company. I do not know the name of that company. I am not aware the period during which he worked in the company. I am not aware whether the partition which was affected in the year 1964 between my father and uncle was oral or through registered document. Before filing of the present suit I have not procured the revenue record pertaining to 20, Friends Colony, New Delhi. My father used to stay with my uncle Shri Kamaljit Chaudhri in his house and as and when I use to visit my father, I met him also. Self stated that even after the death of my father, I visited my uncle at his house. My uncle use to stay in his house at 20-A, Friends Colony, New Delhi. I am not aware where my uncle is staying as of date. My uncle is alive to my knowledge. After the demise of my father I visited my uncle's house as he wanted to show me some documents. When I visited the house of my uncle along with my niece then he showed me a document which was alleged to be Will of my father. My father had two sisters, namely Sheel and Usha. I came to know that the property situated at 20 Friends Colony is HUF from the Sale Deed, where it is mentioned in his handwriting that he had purchased the said property as Karta of HUF with him and his two sons Suraj Jit and Kamal Jit. It is correct that my grand father Shri Sadhu Ram had purchased the property i.e. 20, Friends Colony New Delhi from his own funds. I have never seen the income tax return filed by my grand father. I have not seen any other document except Sale Deed mentioning that the property in dispute is HUF. It is incorrect that my grand father never constituted HUF nor he was Karta of HUF. I have seen the copies of the collaboration agreement which was executed between my father and Vantage Construction Company. One suit each was filed by my father and Vantage Construction Company against each other. In the other two suits, I was not a party. It is correct that my father used to pursue the suits personally during his life time. It is correct that after the death of my father I received notice from the Court being legal heir of my father. I have not seen any document pertaining to the renting out of one apartment by defendant No.1 to Ms. Sonia Singh. I cannot recall from where I ascertain that the rent of the said apartment was 2.75 lacs per month in the year 2017. I do not know when the said apartment was rented out by defendant No.1. Self stated that the same was rented out prior to the death of my father. I am not aware that the said apartment was rented out by my father or by defendant No.1. I am not aware that defendant No.1 was holding power of attorney on behalf of my father during his life time. Chander cottage was initially owned by Rai Bahadur Dewan Chand Saini. Sh. Rai Bahadur Dewan Chand Saini was father of my dadi Smt. Shanta Chaudhri. It is correct that shi Bahadur Dewan Chand Saini had purchased the house and land at Dalhousie. My dadi was married Sh. Sadhu Ram Chaudhri. I do not know that on account of the marriage with my dadi the name of my dada Sh. Sadhu was included along with the name of Sh. Rai Bahadur Dewan Chand Saini to the extent of half share. To the best of knowledge it is correct that Sh. Rai Bahadur Dewan Chand Saini had two sons namely Sh. Prakash Chand Saini and Sh. Ishwar Chand Saini. It is correct

that the half share pertaining to the Sadhu Ram Chaudhri was subsequently inherited in the name of my father. I do not know that there was a partition amongst my father and uncle pertaining to Chander Cottage in the year 1964. I do not know that a deed has been registered to that effect on 3rd October, 1964. To my knowledge we have got the jamabandi pertaining to Chander Cottage. As per my knowledge the built up structure is on the half land and the rest of the area is vacant in Chander cottage. It is correct that in the year 2007 my father had sold some portion of his share to Sh. Amrinder Singh. It is correct that at the time of filing of the present suit I am aware that some portion of the property had been sold to Amrinder Singh by my father. It is correct that I have not made Sh. Amrinder Singh as defendant in the present suit. It is correct that property Ekantika was purchased by my father in the year 1991 from Brgd. V.S. Bajwa. I am aware about the property known as Oakvale situated at Dalhousie. It is correct that Oakvale was owned by my grand-mother Smt. Shanta Chaudhri. It is correct that the said property was sold, however, I do not remember the year of selling. I have gone through the written statement filed by defendant No.1. I have not tried to procure the record pertaining to the properties namely Ekantika and Oakvale after the filing of the written statement by defendant No.1. I believe that my father had also purchased some property at Jandrigat (Dalhousie) from Sh. Rajkumar Brijender Singh. I believe that the said property was vacant land. It is correct that there was some civil dispute between my father and Sh. Rajkumar Brijender Singh. Probably the suit was filed in the H.P. High Court. I am not aware about the outcome of the said case. I have not tried to procure the documents pertaining to that property. I am not aware about the sale consideration of the said property. I am not aware that the suit filed by my father against Sh. Rajkumar Brijender Singh was decreed by the High Court in the year 2008. I do not know that after the decree passed by the High Court my father filed the execution petition. I do not know during the pendency of the said execution petition my father expired. I am not aware that the balance payment in the execution petition amounting to Rs. 13,50,000/- was paid by the defendant No.1. It is incorrect that at the time of death of my father all the properties were owned by my father as sole owner. It is also incorrect that the said properties were not HUF properties. It is correct that I have not contributed any amount towards the litigation expenses during the life time of my father.

I am not aware of the initiation of the Sikand murder trial. I am not aware about the details of the Court where it was tried. During the trial he was granted bail. I am not aware about his bail conditions. After the conviction in that trial he was lodged in jail. My father had given me the copy of the judgment of his conviction. The trial was continued in the trial court for more than five years. I do not remember the exact time of the trial. The trial was conducted by Advocate Manocha. Self stated that my father had engaged several lawyer for engaging his case. My father might have paid the fee of the lawyers himself. I do not know which lawyer filed appeal on his behalf. I am not aware which Court acquitted my father and in which year. It is incorrect that I never visited my father in jail. My signature were always obtained by the jail authorities whenever I visited the jail. Self stated that some time my signatures were obtained. It is incorrect that my husband never accompanied me to jail to meet my father. I have not tried to procure any record regarding my visitation to Tihar Jail. I might have some documents which can show that I visited my father in Tihar Jail. I have not given those documents to my Advocate before filing of the present suit. It is incorrect to suggest that I never visited the Tihar Jail during the lodging of my father. It is also incorrect that I have made wrong statement to that effect.

At this stage, since the Court time is over , therefore the cross-examination is deferred for today.

RO & AC (Paras Doger) Registrar (Judicial) 29th October, 2024 (GM) 29.10.2024 Present: Mr. Ajay Kumar, Sr. Advocaes with Mr. Rohit, Advocate, for the plaintiff.

Mr. Bhupinder Gupta, Sr. Advocate with Mr. Janesh Gupta, Advocate, for defendant No.1.

Sh. Surinder Saklani, Advocate for defendant No.2.

Defendants No. 3 to 6 already ex-parte.

Cross-examination of PW-1 Smt Hari Priya Maan is deferred, since the Court time is over.

Let the matter be listed before Additional Registrar (Judicial) for fixing the date for further cross-examination of this witness.

Paras Doger Registrar (Judicial) 29th October, 2024 (GM)