

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

**CR No.1357 of 2015 (O&M)
Decided on: March 23, 2015.**

Sanjay Chauhan

.... Petitioner

Versus

Kaur Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Rajbir Singh, Advocate,
for the petitioner.

Mr. Madan Sandhu, Advocate,
for respondents.

M.M.S. BEDI, J (ORAL)

The petitioner is one of the defendants before the trial Court in a suit for damages filed by the respondents in a case of murder on account of death of Harpreet Singh son of Kaur Singh allegedly caused by Rakesh Kumar. The plaintiffs-respondents have already completed their evidence. Vide order dated 12.02.2015 the trial Court had refused to requisition the file of the criminal trial pending in the Court of Additional Sessions Judge, Chandigarh and had issued a direction that last opportunity will be granted to the defendants to conclude their entire evidence.

Being apprehensive that the defendant-petitioner will not be given a fair opportunity to lead evidence, the present revision petition has been filed.

Learned counsel for the petitioner submits that the petitioner want to produce an Expert.

I have considered the contention of learned counsel for the petitioner in context to the application Annexure P-1 which had been

submitted by the defendant-petitioner on 09.12.2014. The said application does not contain the name of any Expert to be examined.

Learned counsel for the petitioner submits that a sum of Rs.1100/- was deposited with the Nazir as diet money for summoning of the witnesses mentioned in the application.

I have considered the facts and circumstances of the case.

This petition is disposed of with a direction that the defendant-petitioner through his counsel appearing before the trial Court will satisfy the trial Court regarding the purpose of the witnesses to be examined. The trial Court would be at liberty to consider the purpose and relevance of the witnesses to be examined and take steps in accordance with the provisions of Order 16 CPC.

It is not out of place to observe here that as per the mandate of law under Order 16 Rule 1(2), a party desirous of obtaining summons for attendance of any person would be required to file an application stating therein “**the purpose**” for which the witness is purposed to be examined. It will be open to the trial Court to reject the prayer for summoning the witnesses in case the purpose and relevance for the examination of the witness is not disclosed by the defendant-petitioner.

It is made clear that the defendant-petitioner will be given only two effective opportunities within a period of two months from the next date fixed before the trial Court to produce the evidence as mentioned herein above.

(M.M.S. BEDI)
JUDGE

March 23, 2015
harsha