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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2197 of 2015 (O&M)

Date of decision: March 30, 2015

Sharafat Ali

.....Petitioner

Versus

Ranbir Singh Rana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.D. Bansal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 02.05.2014, whereby evidence of the petitioner, was closed.

Learned counsel for the petitioner has submitted that, although, order dated 02.05.2014 was passed by the Court, but it was not to the notice of the parties. Infact, after the passing of the impugned order, case had been adjourned for recording of the evidence of the petitioner. In this regard, learned counsel for the petitioner has referred to order passed by the trial Court dated 07.10.2014, whereby cross-examination of PW-1 was deferred. It is only on 07.02.2015, petitioner came to know that his evidence had been closed vide impugned order as on 07.02.2015, the case was adjourned for cross-examination of the evidence of the defendant. Learned counsel has submitted that only one opportunity be granted to the petitioner to enable him to conclude his evidence.

Accordingly, keeping in view the submissions made by learned counsel for the petitioner, this petition is allowed. Impugned order dated 02.05.2014 (Annexure P-2) is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to conclude his evidence at his own risk and responsibility, subject to payment of ₹5,000/- as costs. Costs be deposited with the District Legal Services Authority, Chandigarh. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

March 30, 2015

m.singh