

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2209 of 2015

Date of Decision.30.03.2015

M/s Milky Way Realtors Pvt. Ltd.

.....Petitioner

Versus

Jaswinder Pal Singh and others

.....Respondents

Present: Mr. Vishal Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. I set aside the order passed by the trial Court, dispensing with notice to the respondents, that it breaches the proposition of law as laid down by this Court in **Santosh Kumar Berry Vs. Nirmala Devi and others 2013(1) PLR 404.** It will be wrong to assume that the trial Court does not have a power to recall once the side is closed and the remedy is only by means of revision petition.

2. Considering the fact that the defendant's expert witness has been cross-examined in part, the cross-examination will be allowed to be completed at the next date of hearing. The defendant will be allowed to file any official records for proof of the sale and the Registrar's presence is unnecessary. The order impugned is, therefore, set aside and the liberty is given to the defendant to bring back the witnesses in the Court to continue the cross-examination on payment of costs of ₹ 10,000/- to the plaintiff within a week after the receipt of

copy of this order.

3. I have dispensed with notice to the respondents only by considering the fact that further delay in proceedings will not take place and Court's erroneous order will not be put against the defendant which could cause very grave prejudice. If the cost is not paid as directed, the order already passed will remain and the Court will proceed to dispose of the case in accordance with law.

4. The civil revision is disposed of on the above terms.

(K. KANNAN)
JUDGE

March 30, 2015
Pankaj*