

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 230 of 2015
Date of decision :November 26, 2015

Mohab Singh and another

..... Petitioners

Versus

Rugha @ Raghubir and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vaibhav Sehgal, Advocate
for the petitioners.

Mr. Sudhanshu Makkar, Advocate
for respondent No.1.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 16.12.2014 whereby the evidence of defendant Nos. 1 to 3 has been closed by order.

Mr. Vaibhav Sehgal, learned counsel appearing on behalf of the petitioners-defendants submits that one opportunity to lead evidence of hand writing expert Mr. V. B. Kashyap be granted. He has already taken copy of the sale deed and got the comparison done. He has prepared his report but he could not come present on the date fixed. It is only the report which has to be submitted.

Mr. Sudhanshu Makkar, learned counsel appearing on behalf of the respondents-plaintiffs submits that enough

opportunities have been granted to the petitioners-defendants to lead evidence. However, even last opportunity had also been granted prior to the order of closing the evidence. Therefore, the petitioners-defendants should be imposed costs. The process of the court has been blatantly abused.

I am of the view that in order to advance justice, it is appropriate to grant one opportunity to the petitioners-defendants to examine the aforementioned witness who shall appear and furnish his report. The respondents-plaintiffs shall be at liberty to cross-examine the said witness in accordance with law.

It is directed that the trial court shall ensure to summon the witness in accordance with law, however, the aforementioned order of mine shall be subject to payment of costs of ₹10,000/-.

It is made clear that the payment of costs would be condition precedent before availing the opportunity to examine the aforementioned witness.

The civil revision petition is allowed.

(AMIT RAWAL)
JUDGE

November 26 , 2015
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