

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3058 of 2015

Date of Decision: May 6, 2015

Sanjay Chauhan

.....Petitioner

Vs.

Kaur Singh and ors.

.....Respondents

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

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

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

This is second petition filed by defendant- petitioner. He had filed an application for summoning the record from the Court of Additional Sessions Judge, Chandigarh to examine the original copies of applications Ex.PW3/9, Ex.PW3/10, Ex.PW3/11 and Ex.PW3/12 and one application Mark.PW3/A which were sought to be proved by the plaintiff- respondents. While disposing of a revision petition against the order of refusal of summoning of the original documents from Sessions Court, this Court had vide order dated March 23, 2015 given liberty to the petitioner to approach the trial Court and satisfy the trial court regarding the **purpose** of the

witnesses to be examined with a direction to the trial Court to appreciate the purpose and to direct the attendance of the concerned official in the exercise of powers under order 16 rule 1 (2) CPC. The application filed, after the directions of this Court, before the trial Court has been dismissed vide impugned order annexure P-10.

I have heard learned counsel for the petitioner in context to the original claim of the plaintiff- respondents in the plaint. The plaintiff- respondents had sought damages on account of death of Harjit Singh, son of Kaur Singh, respondent No.1. It is not out of place to observe here that a criminal trial is pending against defendants except for defendant No.3 and others.

With the assistance of counsel for the petitioner, I have gone through the documents and the application. I have also given an opportunity to the counsel for the petitioner to establish the purpose for which the comparison of signatures of deceased Harjit Singh and the plaintiffs on the application is required to be undertaken by an expert. Though the trial Court was required to take up this exercise but on account of non-speaking order in this context, this exercise had to be taken up by this Court. After hearing counsel for the petitioner, I am of the opinion that the counsel for the petitioner has not been able to specify the purpose of summoning the documents and getting these compared with the admitted signatures. The documents sought to be summoned have been produced in the criminal Court, inter-alia to establish the motive. The application seems to have been

filed to delay the proceedings before the Civil Court pertaining to the matter which is also subject matter of another criminal trial.

No ground is made out for interfering in the impugned order. The petition is dismissed. It is, however, clarified that nothing said in this order will prejudice the rights of the petitioner in the Civil Court or in the criminal trial for any purpose. Any observation made in this order is meant to be read for disposal of the present revision petition.

May 6, 2015
sanjay

(M.M.S.BEDI)
JUDGE