

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3968 of 2015

Date of Decision: July 2, 2015

Raj Kumar

.....Petitioner

Vs.

Jagdish Singh and another

.....Respondents

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

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Present:- Mr.K.P. Singh, Advocate
for the petitioner.

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

Vide a composite order dated May 26, 2015, the evidence of the plaintiff- petitioner has been closed without completing the cross-examination of PWs Rajni and Amrik Singh who were examined-in-chief on November 25, 2014. An application for impleading subsequent purchaser Harish Kumari has also been dismissed on the ground that the provisions of Order 6 Rule 17 CPC could have been adverted to, supported by an affidavit.

Counsel for the petitioner seeks permission to withdraw the petition so far as question of impleadment of Harish Kumari is concerned

with liberty to file an appropriate application under Order 6 Rule 17 CPC before the trial Court.

I have considered the contention of learned counsel for the petitioner regarding PWs Rajni and Amrik Singh who were examined-in-chief on November 25, 2014. A perusal of the order dated March 16, 2015 and May 26, 2015 indicate that the petitioner had been adopting an evasive approach by not producing his witnesses Rajni and Amrik Singh on the dates of hearing when the case was fixed after binding them for cross-examination.

In the interest of expeditious disposal of the case, the approach of the trial Court appears to be appropriate but in the interest of justice, I deem it appropriate to give one opportunity to the petitioner to produce his witnesses Rajni and Amrik Singh or any other witness whose name is mentioned in the list of witnesses earlier filed, at his own responsibility, subject to payment of cost.

Petition is disposed of in limine with an objective to save the defendant- respondents from unnecessary expenditure and harassment. Petition is allowed only to the extent that the trial Court will fix one date of hearing for examination of witnesses of the plaintiff. The plaintiff will be bound to produce his witnesses as mentioned hereinabove on the date fixed subject to payment of cost of Rs.10000/- in total to the defendants. It will be the responsibility of the plaintiff- petitioner to produce his witnesses on the date fixed. It is made clear that in case cost is not paid or the witnesses are

not produced at his own responsibility, this petition will be deemed to have been dismissed.

Since the matter has been disposed of in limine, it will be open to the defendant- respondents to approach this Court for review of the order in case the order is not acceptable to them.

July 2, 2015
sanjay

(M.M.S.BEDI)
JUDGE