

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 390 of 2013

Date of Decision: July 6, 2015

Krishan

.....Petitioner

Vs.

Ajmer and others

.....Respondents

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

-.-

Present:- Mr.Rajinder Goyal, Advocate
for the petitioners.

Mr. Rishi Nijhawan, Advocate
for respondents No.2 and 3.

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

This is a revision petition against the order dated November 30, 2012 closing the evidence of the plaintiffs and order dated January 14, 2013 disallowing the application for cross-examination of PW4 Navdeep Gupta, hand-writing expert who happened to be absent from the Court despite five last opportunities.

The casual approach of the plaintiffs and their witness appears to be the basis of impugned orders passed by the trial Court. The trial Court

certainly has got jurisdiction to close the evidence in circumstances where a party fails to produce his evidence.

After going through the facts and circumstances of this case it appears that the plaintiffs have filed a suit for declaration and permanent injunction praying that the judgment and decree of the year 1996 passed by the Civil Court and subsequent revenue entries pertaining to ownership in favour of the defendants are illegal, null and void.

The hand-writing expert who has been examined-in-chief deserves to be cross-examined but subject to payment of cost on account of unnecessary delay and harassment caused by the plaintiff- petitioner.

In the interest of justice, the petition is allowed. The order dated November 30, 2012 and January 14, 2013 are hereby set aside. One last opportunity is granted to the petitioner subject to payment of Rs.10000/- to summon and examine PW4 Navdeep Gupta at his own responsibility on a date to be fixed by the trial Court. Parties are directed to appear before the trial Court on the date fixed. On said date the trial Court shall fix one date to enable the plaintiff- petitioner to produce PW4 Navdeep Gupta, handwriting expert. It will be open to the plaintiffs to obtain dasti summons but it will be the responsibility of the plaintiff- petitioner to serve the PW for the said date. It is ordered that in case on the date fixed the plaintiff- petitioner does not produce his witness, this petition will be deemed to have been dismissed.

Petitioner also wants to tender certain documents. It will be open to the trial Court to permit the said documents taking into consideration

their admissibility, relevance and mode. The documents which are admitted or are per se admissible under law would be taken on record.

July 6, 2015
sanjay

(M.M.S.BEDI)
JUDGE