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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.4219 of 2014

Date of decision: March 12, 2015

Sri Guru Arjan Dev Educational Society and others

.....Petitioners

Versus

Gurpreet Singh Brar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Satish Goel, Advocate
for the petitioners.

Mr. A.P.S. Tung, Advocate
for the respondents.

SABINA, J

Petitioners have filed this petition challenging the order dated 13.05.2014, whereby evidence of the petitioners, was closed.

Learned counsel for the petitioners has submitted that the petitioners want to examine the hand writing expert and the affidavit of the said witness, is already on record. DW1 is only to be cross-examined. Learned counsel has further submitted that one opportunity be granted to the petitioners to enable them to produce DW1 for cross-examination.

Learned counsel for the respondent No.1, on the other hand has opposed the petition.

Respondent No.1 has filed suit for recovery of

₹1,85,91,523/- alongwith interest. Petitioners want to examine a hand writing expert. The said expert had appeared in the witness box as DW1 and has tendered his affidavit in his examination-in-chief. Now only the said witness has to be cross-examined by respondent No.1. In case, petitioners are granted one opportunity to enable them to produce DW1 for cross-examination, the dispute between the parties will be disposed of on merits and the trial Court will be in a position to dispose of the case in a more just and fair manner. Moreover, the other side can be compensated with costs.

Accordingly, this petition is allowed. Impugned order dated 13.05.2014 is set aside. Trial Court is directed to afford one opportunity to the petitioners to enable them to produce DW1 Devinder Parshad for cross-examination at their own risk and responsibility subject to payment of ₹10,000/- as costs. Costs be paid to respondent No.1. Thereafter, trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

March 12, 2015

m.singh