

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

Civil Revision No. 5335 of 2015 (O&M)

Date of decision:- 20.08.2015

Pallavi Narula

...Petitioner

Versus

Sanket Adhalakha

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Rakhi Sharma, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

This petition under Article 227 of the Constitution of India
is for setting aside orders dated 29.07.2015 (P-2 to P-4)

A perusal of the zimini order shows that on 24.03.2015,
written statement was filed on behalf of the respondent (herein
petitioner) and the case was adjourned for 15.04.2015 for filing of
rejoinder and on that day, the issues were framed since no replication
was filed and it was directed that list of witnesses be filed within 7
days and P.W.s be summoned on 05.05.2015. On this day, it was
brought to the knowledge of the Court that no decision was taken on
the application under Section 24 of the HMA and the case was fixed
for 21.05.2015 and the reply was filed on 26.05.2015, copy of which
was not supplied to the petitioner, though it was stated in the order
dated 26.05.2015 that the copy was supplied but the copy was

supplied on 29.07.2015 along with documents and the arguments upon the aforesaid application was also heard on the same day. On 29.07.2015, the petitioner came to know the fact that the respondent is going to tender some affidavits in the aforesaid case and the learned counsel for the petitioner requested the learned Judge to decide the application filed under Section 24 of HMA and then to allow the respondent to tender the evidence in the aforesaid case. However, the learned Additional District Sessions Judge, Chandigarh without passing any written order on the application, permitted the respondent to tender the affidavits of three witnesses and insisted the learned counsel to cross examine the three witnesses on the same day.

Keeping in view the fact that the copy of three affidavits was given to the petitioner at 12.30 P.M, the instant revision petition is accepted. Consequently, orders dated 29.07.2015 (P-2 to P-4) are hereby set aside and the trial Court is directed to provide one more opportunity to the petitioner to cross examine three witnesses (PWS) namely Rahul Mahajan, Sanket Adlakha and Yash Pal Adalakha, subject to deposit of Rs.2000/- as cost to be deposited before the District State Legal Services Authority, Chandigarh.

August 20, 2015

G Arora

(**RITU BAHRI**)
JUDGE

GAURAV ARORA
2015.08.28 14:53
I attest to the accuracy and
integrity of this document