

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

CR No.5487 of 2015 (O&M)
Date of decision : 26.08.2015

Kuldeep Singh

...Petitioner

Versus

Chhinder Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Nakul Sharma, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 10.08.2015 (Annexure P-1), whereby evidence of the petitioner/respondent before the Election Tribunal has been closed by order.

Mr. Nakul Sharma, learned counsel appearing on behalf of petitioner submits that evidence of the petitioner/respondent before Election Tribunal had concluded & it was closed on 30.04.2015 in petition filed in the year 2013 and on the first date, the petitioner had tendered affidavit of two witnesses and on the next date, due to non-appearance of witnesses, evidence of petitioner has been closed.

I have heard learned counsel for the petitioner.

The aforementioned arguments are in affirmative with the record/pleadings.

It is a matter of record that respondents/petitioner had concluded evidence on 30.04.2015, and on the next date i.e. on 17.06.2015, affidavit of two witnesses were tendered. However, they did not appear for cross-examination on the adjourned date i.e. 10.08.2015 and evidence has been closed by order.

In my view, closing of the evidence by order amounts to miscarriage of justice. In order to meet the ends of justice, I set aside the impugned order dated 10.08.2015 (Annexure P-1) and grant two opportunities to the petitioner to lead and conclude evidence in accordance with law and without issuing notice of motion, disposed of the present revision petition, subject to payment of cost of ₹5,000/-.

26.08.2015

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**(AMIT RAWAL)
JUDGE**