

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-55-2015 (O&M)

Date of decision: 14.1.2015

Sardool Singh and another

..... Petitioners

Versus

Harbhajan Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Birkramjit Aroua, Advocate for the petitioners.

R.P. NAGRATH, J. (ORAL)

CM-906-CII-2015

Application is allowed as prayed for.

Affidavit of Shri Manmohan Singh Thkural, Advocate representing the petitioners before the lower Court be taken on record.

CR-55-2015

Prayer in the instant petition filed under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure (CPC) is for setting aside the order dated 22.9.2014 (Annexure P-1) passed by the learned Additional Civil Judge (Senior Division), Khadur Sahib, District Tarn Taran, whereby cross-examinations of PW-1 and PW-2 was treated as NIL.

In the affidavit sworn-in by Shri Manmohan Singh Thukral, Advocate representing the petitioners before the lower Court, he stated

that he was present at Tarn Taran, District Court Complex and not at Khadoor Sahib in any case on 22.9.2014 but his presence was marked in the impugned order.

If that be so, the petitioner may move appropriate application before the trial Court on 16.1.2015, the date already fixed or within one week, therefrom, accompanied by a fresh affidavit of Mr. M.S. Thukral, Advocate and on doing so, the trial Court would proceed to dispose the same in accordance with law. The trial Court shall not pass final judgment in the case for a period of two weeks from the disposal of application. In case no such application is filed within the time as aforesaid, the instant petition would be deemed to be dismissed.

The instant petition is disposed of in the above terms.

January 14, 2015
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(R.P. NAGRATH)
JUDGE