

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

**CR No. 5825 of 2013
Date of Decision: 10.07.2015**

Raj Kumar

.....Petitioner

Vs.

Lachhman Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Madan Pal, Advocate, for
Mr. Sachin Gupta Ladwa, Advocate,
for the petitioner.

None for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 10.09.2013.

Learned counsel for the petitioner has submitted that the petitioner had examined the Stamp Vendor, Virinder Kumar as PW-1. The said witness had appeared in the Court along with the relevant record. Stamp Vendor, Varinder Kumar (PW-1) was duly cross-examined by the counsel for the respondent. Hence, the application moved by the respondent to summon the Stamp Vendor, Varinder Kumar was liable to be dismissed.

None has appeared on behalf of the respondent.

Impugned order dated 10.09.2013 (Annexure P-4) reads
as under:-

Present: Shri S.D. Sharma, counsel for the plaintiff.
Shri Y.S. Rathore, counsel for the defendant.

“Arguments of the miscellaneous application filed by learned counsel for the defendant for directing Varinder Kumar, Stamp vendor, Karnal for producing the register dated 26.04.2006 of entry No. 241 dated 26.04.2006 regarding entry No. 241 dated 26.04.2006 by Varinder Kumar Stamp Vendor has not caused any prejudice to the plaintiff. Therefore, in the interest of justice, the same is hereby allowed and defendant can summon Varinder Kumar Stamp Vendor, Karnal with original register dated 25.04.2006 of entry No. 241 dated 26.04.2006 in the Court on 26.09.2013.”

A perusal of the impugned order reveals that it is a non-speaking order. In fact the trial Court has not given any reasons while allowing the application moved by the respondent.

Accordingly, this petition is allowed. Impugned order dated 10.09.2013 is set aside. Trial Court is directed to pass a fresh order in accordance with law.

**(SABINA)
JUDGE**

July 10, 2015
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