

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6562 of 2015
Date of Decision: October 5, 2015

Satish Kumar

..... Petitioner

Versus

Smt. Chanderkala

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sumit Gupta, Advocate
for the petitioner.

Amit Rawal, J (Oral)

The petitioner-defendant impugned the order dated 29.8.2015 whereby his evidence has been closed by order.

Learned counsel for the petitioner-defendant submits that though the trial court allowed the application submitted by the petitioner-defendant for examination through the local commissioner vide impugned order, one DW of the petitioner-defendant was examined and the trial court has closed the evidence of the defendants on the same day. The impugned order reads thus:-

One DW is present and examined. No other DW is present. Thereafter, evidence of the defendant closed by the court order being last opportunity. Now, case is adjourned to 25.9.2015 for rebuttal evidence, if any and for arguments

Sd/-
(Puneet Limba)
CJ (JD)/Jhajjar/29.8.2015"

He further submits that prior to the proceedings

aforementioned only two opportunities have been granted whereas the suit is of the year 2013 and the respondent-plaintiff closed the evidence much earlier. He further submits that two witnesses are to be examined through the process of the court. In case, an opportunity is granted the same shall be examined as early as possible.

I have heard learned counsel for the petitioner and appraised the paper book as well as the impugned order.

I am of the view that in case the impugned order is allowed to sustain, a serious pre judice, much less mis-carriage of justice would be caused since the petitioner-defendant has undertaken to examine two other witnesses, through the process of the court. I accordingly, grant permission to the petitioner-defendant to examine the aforementioned two witnesses through the process of the court. The counsel for the petitioner has undertaken that application seeking summoning of the aforementioned witnesses shall be filed before the trial court. The trial court on receipt of the aforementioned application shall allow the application and grant opportunity to the petitioner-defendant for examination of the witnesses through its process, much less, in accordance with law.

With the aforementioned directions, the impugned order is set aside.

The revision petition is allowed.

(AMIT RAWAL)
JUDGE

October 5, 2015
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