IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 6893 of 2015
Date of decision : October 15, 2015

Chitar Singh

... Appellant

vs.

Smt. Hukam Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.D. Achint, Advocate,
for the petitioner.

Surinder Gupta, J

Heard.

This is a revision against order dated 14th September, 2015, whereby, the oral evidence of the defendant except cross-examination of DW2 and DW3 was closed.

Learned counsel for the petitioner submits that the defendant had also summoned one witness namely Irfan Khan Namberdar, who was present in court on 7.7.2015 and 31.7.2015, however, he could not be examined. Even now, the case is fixed for 21.10.2015 for cross-examination of two witnesses namely Om Parkash and Ishwar. He submits that defendant will conclude the evidence on 21.10.2015 by examining Irfan Khan and his two witnesses, at his own responsibility and the defendant will not seek any further adjournment to summon or examine any other witness.

On perusal of the interim order placed on record, it is apparent that defendant has not filed the affidavit of witness Irfan Khan as his examination-in-chief. It appears that even no list of witnesses has been filed before the lower court. Still, keeping in view the fact that case is at the

DEEPAK KUMAR
2015.10.16 16:46
I attest to the accuracy and
integrity of this document

stage of evidence of petitioner-defendant, this petition is allowed and the petitioner-defendant is permitted to examine Irfan Khan as DW. Affidavit of this witness as his examination-in-chief will be filed in the court concerned on or before 19.10.2015, with advance copy to counsel for the other party. In the event of failure of the petitioner-defendant to file affidavit and producing all the witnesses at his own responsibility, they will not be allowed any further adjournment.

The order has been passed without notice to the respondent in order to save the expenses and time. However, if the respondents have any grievance against this order, they may file the application before the Registry. On filing of the application, the case be listed for hearing on merits.

October 12, 2015 **(Surinder Gupta)**
deepak **Judge**

DEEPAK KUMAR
2015.10.16 16:46
I attest to the accuracy and
integrity of this document