

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

**CM No.28772-CII of 2014 in/and
CR No.6695 of 2014
Decided on: March 13, 2015.**

Dr. Varinder Kapil

.... Petitioner

Versus

Baljinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Bansal, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, Advocate,
for the respondents No. 1 to 4.

M.M.S. BEDI, J (ORAL)

The miscellaneous application is for hearing of the main revision petition on some actual date.

The application is allowed. Revision petition is taken on board for hearing today.

Learned counsel for the respondents No.1 to 4 has submitted that he has got no objection in case the revision petition is allowed and the order dated 18.09.2014 is set aside and opportunity is granted to the defendant No.4 i.e. the petitioner to examine Dr. Dharam Singh, who could not be examined.

I have considered the facts and circumstances of the case.

The respondents No. 1 to 4 as plaintiffs have filed a suit for recovery on the basis of negligent act of defendant No.4 i.e. the petitioner.

The evidence of the defendants appeared to have been closed. An

application filed by the petitioner has been dismissed though he was present in the Court with his affidavit on 18.09.2014. As the respondents-plaintiffs have got no objection to give one opportunity to the petitioner to produce Dr. Dharam Singh at his own responsibility.

The petition is allowed. Order dated 18.09.2014 is set aside. It is ordered that petitioner-defendant No.4 will be granted two effective opportunities after the next date of hearing fixed before the trial Court, after receipt of certified copy of this order, to produce and examine Dharam Singh at his own responsibility.

Parties are directed to appear before the trial Court on the date already fixed.

(M.M.S. BEDI)
JUDGE

March 13, 2015
harsha