

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

CR-711-2015

Date of Decision : 02.03.2015

LOVE DEV

..... Petitioner

Versus

SHASHI KOHLI

..... Respondent

CORAM HON'BLE MR. JUSTICE K.KANNAN

1. Whether reporters of local newspaper may be allowed to see judgment?

2. To be referred to reporters or not?

3. Whether the judgment should be reported in the digest?

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner.

Mr. Sanjay Verma, Advocate
for the respondent.

K.Kannan, J (Oral)

In a suit for specific performance, the plaintiff's side was closed after 6 opportunities availed by the petitioner not been utilized for production of evidence. The Court had closed the evidence and the plaintiff is before this Court complaining that it is a suit for specific performance and the witness who was sought to be examined to prove the payment of earnest money received and recited in the document was very much necessary. This Court has already held making reference to judgments of the Supreme Court in Santosh Kumar Berry Vs. Nirmala Devi and others in CR No.5639 of 2012 dated 25.09.2012 that the power to reopen and recall is available with the trial Judge himself. If the side is closed, the appropriate forum would have been only the trial Court itself to apply for permission to reopen the side which is closed. The revision petition is not even the appropriate remedy.

I do not want to fetter the right of the party for the indiscretion committed by him in not producing the evidence at the time when the matter was called only for production of his evidence. I impose a cost of Rs.20,000/- against the petitioner that shall be paid to the contesting respondent within a period of 4 weeks. The order already passed shall stand set aside and the petitioner will bring his witness at his own risk and will complete his evidence within time granted by the trial Court.

The order is set aside and the revision is allowed on the above terms.

(K. KANNAN)
JUDGE

March 02, 2015
ps-l