

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-769-2014

Date of decision: 13.1.2015

Harbans Singh

..... Petitioner

Versus

Gurdev Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. PS Dhaliwal, Advocate for the petitioner.

Mr. KK Garg, Advocate for the respondents.

R.P. NAGRATH, J. (ORAL)

The petitioner has invoked the revisional jurisdiction of this Court under Article 227 of the Constitution of India for setting aside the order dated 13.1.2014 (Annexure P-3) passed by the learned Additional Civil Judge (Senior Division), Barnala whereby evidence of the petitioner was closed by order.

At the outset, learned counsel for the petitioner submits that given one opportunity, the petitioner would examine the hand-writing expert in rest of his evidence. It is further submitted that report of the expert has already been obtained but it is yet to be placed on record of the trial Court.

Learned counsel for respondents submits that the petitioner-defendant has already availed of 14 opportunities in concluding his

evidence but learned petitioner's counsel submits that plaintiff-respondents themselves availed of 21 opportunities in concluding their evidence. The issue before the trial Court mainly relates to the existence of signatures of plaintiff-respondents over the exchange deed upon they have also examine an expert witness.

After hearing learned counsel for the parties and looking into the facts and circumstances of the case, the instant petition is allowed and impugned order dated 13.1.2014 (Annexure P-3) is set aside. The petitioner is granted only one opportunity to produce the expert witness at responsibility, subject to payment of ₹ 20,000/- as costs. The costs shall be paid by way of a demand draft in the name of either of respondents No. 1 to 3 on the date already fixed or to be fixed within one week of receipt of certified copy of this order whichever is later. On the said date copy of the report of expert would also be supplied to learned counsel for respondents No. 1 to 6. The trial Court would the fix the matter for examination of the expert of the petitioner. Failing to comply with any of these conditions, the instant petition would be deemed to have been dismissed.

January 13, 2015
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(R.P. NAGRATH)
JUDGE