

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 817 of 2015

Date of Decision: July 14, 2015

Gurdev Singh

.....Petitioner

Vs.

Bhura Singh@ Ravinder Singh and ors.

.....Respondents

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

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Present:- Mr. Sunny Singla, Advocate
for the petitioner.

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

Defendant's evidence has been closed vide order dated January 9, 2015. An application for recalling the said order seeking permission to examine the said witness has been dismissed vide impugned order dated January 17, 2015. One of the reasons for dismissal of the application for recalling the order dated January 9, 2015, as given by the trial Court, is that a revision petition had not been opted by the defendant against the said order.

After hearing counsel for the petitioner and going through the facts and circumstances of the case, it is apparent that the defendant-

petitioner has not been granted an opportunity to examine himself as a witness. This situation may cause prejudice to the defendant- petitioner in the suit filed by the plaintiff- respondents. On asking of the Court, it has been informed that the case is fixed for final arguments today.

This petition is disposed of with a direction that in case the defendant- petitioner puts in appearance before the trial Court today and offers himself for examination/ cross-examination, the trial Court shall record his statement with opportunity to the opposite party to cross-examine him subject to payment of cost of Rs.5000/- to the opposite party. It will be open to the petitioner to tender documents in evidence which are per se admissible or are admitted documents. It is made clear that in case it is not feasible for the trial Court to examine the defendant- petitioner today, the trial Court shall fix a date for said purpose without prejudice to the rights of opposite party to produce rebuttal evidence, if so warrant. In case cost is not paid or the defendant does not appear as a witness, this petition will be deemed to have been dismissed.

Copy of the order be given dasti to counsel for the petitioner under the signatures of the Court Secretary.

July 14, 2015
sanjay

(M.M.S.BEDI)
JUDGE