

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 947 of 2015 (O&M)
Date of decision: 8.5.2015

Johan Cherian

.. Petitioner

v.

Ram Kishan Gupta and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Ms. Vandana Sharma, Advocate for
Mr. Rajesh Lamba, Advocate for the petitioner.
Mr. O. P. Goyal, Senior Advocate with
Mr. Ranjit Singh Kang, Advocate for respondent No. 1.

Mr. Rahul Sharma, Advocate for
Mr. Ashwani Talwar, Advocate for respondent No. 2.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 16.1.2015, passed by the learned court below, whereby the application filed by respondent No. 1-plaintiff under Section 73 of the Indian Evidence Act, 1872 (for short, 'the Act'), was allowed.

The short submission made by learned counsel for the petitioner was that the application has been allowed without stating any reason. The order is totally non-speaking, hence, the same deserves to be set aside.

Learned counsel for respondent No. 1 could not dispute the fact that no reasons have been assigned by the court below while allowing the application under Section 73 of the Act.

Heard learned counsel for the parties and perused the paper book.

While allowing the application filed by respondent No. 1-plaintiff, the learned court below passed the following order:

“Arguments on application under Section 73 of Indian Evidence Act heard. In view of the contents mention the application, same is allowed subject to payment of cost of Rs. 500/- which is to be deposited in DLSA to be paid to defendant No. 1 and 2. Now the case is adjourned to 17.2.2015 for evidence of plaintiff.”

A perusal of the aforesaid order shows that no reason whatsoever has been assigned by the court below while allowing the application. Whenever rights of the parties are determined, may be while considering an application during pendency of any proceedings, the courts below are required to record reasons and not pass cryptic order. In the impugned order, there being no reason assigned for allowing the application, the same is set aside. The matter is remitted back to the court below for deciding the application afresh after hearing learned counsel for the parties and disposing of the same while recording reasons.

The petition stands disposed of.

(Rajesh Bindal)
Judge

8.5.2015
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