

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

-.-

CR 1679 of 2016
Date of decision: 15.03.2016

Hanuman Godara

..... Petitioner

Versus

Chand Karan Ahuja and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Satbir Gill, Advocate
for the petitioner

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J. (Oral)

Challenge in the present petition is directed against the order dated 19.02.2016 (Annexure P1) passed by the Additional Civil Judge (Senior Division) Sirsa whereby evidence of the petitioner/plaintiff has been closed by order of the Court.

Counsel for the petitioner fairly concedes that the petitioner availed of sufficient opportunities for adducing evidence but failed to conclude the same. It is argued that on 19.02.2016, Shri Dhaiya Kant, Handwriting Expert was present in the Court but could not be examined as at that time, he had not prepared his report on the basis of comparison of disputed signatures on the agreement to sell. It is further submitted that the

case is still pending for evidence of the contesting party (defendants) and on 26.02.2016, one of the witnesses tendered into evidence his affidavit by way of examination-in-chief but his cross examination is yet to be conducted. It is prayed that the petitioner may be allowed one effective opportunity to examine Handwriting Expert on the date fixed by the trial Court for evidence of the defendants and the petitioner would ensure presence of the witness at his own responsibility and a copy of the report would be supplied to counsel opposite well in advance to enable him to cross examine the Handwriting expert on the date fixed.

I have heard counsel for the petitioner and perused the records, particularly the order impugned.

Counsel for the petitioner, on a pointed query raised by the Court, has submitted that the suit was instituted by the petitioner in the year 2013. Perusal of the impugned order dated 19.02.2016 substantiates contention of the petitioner that on 19.02.2016, Shri Dhaiya Kant, Handwriting Expert was present in the Court but he did not tender himself in the witness box for want of report to be prepared by him. The case is pending for recording of evidence of the defendants.

In the given circumstances, it is expedient in the interest of justice that the petitioner is allowed one opportunity to examine Shri Dhaiya Kant, Handwriting Expert but subject to condition that the petitioner shall ensure presence of the witness along with the report before the trial Court on the next date fixed in the proceedings and a copy of the report shall be supplied to counsel opposite at least ten days in advance to enable him to cross examine the witness on the date fixed. The petitioner shall be liable to

pay costs of Rs.10,000.00, to be deposited in the Court and the same shall be released in favour of the contesting defendants in equal share.

Disposed of accordingly.

(Rekha Mittal)
Judge

15.03.2016
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