

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

CR No.2897 of 2016(O&M)

Date of decision:27.4.2016

Kulwant Singh

....Petitioner

VERSUS

Jarnail Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

1. Whether reporters of local newspapers 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. A.S. Dhaliwal, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 09.03.2016 (Annexure P-2) passed by the Civil Judge, Junior Division, Moga, whereby evidence of the petitioner/plaintiff in a suit for possession by way of specific performance of agreement dated 06.12.2013 in respect of the suit land has been closed by order.

Counsel for the petitioner would contend that the petitioner had gone abroad in October, 2015 and came back to India in the middle of April, 2016 and for that reason, he could not tender himself into the witness box for his examination as a witness. It is further admitted that in case the petitioner is allowed one opportunity to examine himself and Jaspal Kaur, Notary Public, he will conclude his evidence on that day.

Perusal of the averments made in the petition would show that the petitioner has examined certain witnesses before examining himself as a witness and the evidence of the petitioner/plaintiff commenced some time after October, 2015. In view of the circumstances of the present case, the petitioner may be required to seek permission of the Court under Order 18 Rule 3A of the Code of Civil Procedure, 1908, for his examination as a witness at this stage of the proceedings.

In the given facts and circumstances of the present case, the petition stands disposed of with liberty to the petitioner to file an appropriate application before the trial Court for examination of the petitioner and Jaspal Kaur, Notary Public, that shall be decided by the trial Court on its merits without going into the question that allowing examination of the witnesses would amount to review of earlier order closing the evidence.

Disposed of accordingly.

APRIL 27, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE