

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

CR No.3148 of 2016(O&M)

Date of decision:5.5.2016

Rajpreet Singh Deol

....Petitioner

VERSUS

Atma 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. Aayush Gupta, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition has been directed against order dated 12.04.2016 passed by the Civil Judge (Junior Division), Ludhiana, whereby evidence of the petitioner/defendant has been closed by order of the Court.

Counsel for the petitioner has submitted that though the trial Court adjourned the case on five to six occasions for evidence of the petitioner but all that has happened within a short span of about 4 months. It is further submitted that there is remiss on the part of the petitioner in tendering himself in the witness-box but in case he is not permitted to examine himself, a serious prejudice is likely to be caused as in absence of any evidence of the defendant/petitioner, an adverse inference may be drawn against him and evidence of the contesting party/plaintiff would be

taken as unrebutted. It is further submitted that after closing of evidence of the petitioner vide order dated 12.04.2016, there is no progress in the proceedings as respondent/plaintiff has not adduced any evidence in rebuttal and the case is now fixed for 06.05.2016. Another submission made by counsel is that in case the petitioner is permitted one opportunity, he would tender himself in the witness box on the date fixed i.e. 06.05.2016 for his examination and cross-examination. It is further argued that the petitioner does not intend to examine any other witness except the petitioner himself.

I have heard counsel for the petitioner, perused the paper-book and the various zimini orders reproduced in the petition itself.

The petitioner was allowed five to six effective opportunities to produce evidence but he failed to examine any witness. As per submissions made by counsel for the petitioner, the petitioner wants to examine himself and no other witness. The rules of procedure are handmaid of administration of justice and are required to be applied to enhance the cause of justice. In case, the petitioner is not permitted to examine himself, it may be of serious consequences for him in disposal of the suit on merits.

In the given facts and circumstances, the petitioner is allowed to examine himself as a witness on 06.05.2016, the date fixed before the trial Court, subject to payment of costs already imposed by the trial Court and further costs of Rs.5000/- to be deposited in the name of respondent/plaintiff before examination of the petitioner and the same shall be released in his (plaintiff's) favour as per rules.

It is pertinent to mention here that the petition has been disposed of without notice to the respondent in order to save him from unnecessary expenses and inconvenience. However, the respondent would be at liberty to file an appropriate application in case he has any grievance to express.

Copy of this order be given *dasti* on payment of usual charges.

MAY 5, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE