

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

CR No.4178 of 2016(O&M)

Date of decision:8.7.2016

Vishal Kumar

....Petitioner

VERSUS

Jai Ram

.....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. Prashant Bansal, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 10.03.2016 (Annexure P-3) passed by Civil Judge (Junior Division), Rajpura, whereby evidence of the petitioner/plaintiff has been closed by order.

Counsel for the petitioner has fairly conceded that the petitioner availed of number of opportunities for adducing evidence but failed to ensure presence of Gurnek Singh (PW-2) for his cross-examination as the witness has already tendered into evidence his affidavit by way of examination-in-chief. It is further argued that as Gurnek Singh (PW-2) is an attesting witness to the receipt and suit for recovery is based upon pro-note and receipt, a serious prejudice is likely to be caused to the petitioner in case he is not permitted to tender Gurnek Singh (PW-2) in the witness box for his cross-examination.

Another submission made by counsel is that after closing evidence of the petitioner, one of the witnesses of the defendant/respondent appeared in the witness box but his cross-examination is yet to be conducted and the next date fixed before the trial Court is 02.08.2016. It is prayed that in case the petitioner is allowed one opportunity for cross examination of Gurnek Singh (PW-2), he would ensure presence of the witness on the date fixed when otherwise he is ready to pay the costs for any inconvenience caused to the respondent/defendant.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

In view of the submissions made by counsel for the petitioner coupled with the fact that non-cross examination of Gurnek Singh (PW-2) would be of serious consequence for disposal of the suit on merits, the petitioner is allowed one effective opportunity for cross examination of Gurnek Singh (PW-2) but subject to the condition that the petitioner shall ensure presence of the witness on the date already fixed i.e. 02.08.2016 and would deposit an amount of Rs.10,000/- in the trial Court before the date fixed and the same shall be released in favour of the respondent 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.

JULY 8, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE