

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.4783 of 2016

Date of Decision: 28.7.2016

Inder Jeet

--- Petitioner

versus

Smt. Har Nandi

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Adarsh Jain, Advocate
for the petitioner**

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.

The present petition lays challenge to order dated 9.5.2016 passed by the trial court whereby evidence of the petitioner/plaintiff has been closed by order.

Counsel for the petitioner has submitted that the issues in the case were framed on 23.12.2015 and evidence of the petitioner has been

closed on 9.5.2016 despite the fact that mother of the petitioner filed an application on 9.5.2016 expressing inability of the petitioner to tender himself in the witness box for his cross examination. His examination in chief was recorded on 21.3.2016 and was deferred on the request of counsel opposite. It is further submitted that a serious prejudice is likely to be caused to the petitioner in case, he is not permitted to tender himself into witness box for his cross examination, examination of his mother and an official witness to prove that he was minor at the time of execution of sale deed dated 8.12.2009.

I have heard counsel for the petitioner, perused the paper book and the records.

The order dated 21.3.2016 passed by the trial court bears testimony to the fact that the petitioner tendered into evidence his affidavit by way of examination in chief but his cross examination was deferred at the request by counsel for the respondent/defendant. The mother of the petitioner filed an application dated 9.5.2016 expressing inability of the petitioner being down with viral to appear in the witness box. In the given facts and circumstances, the petitioner is allowed one effective opportunity for his cross examination, examination of

his mother and an official to prove an entry of his birth recorded with the competent authority but subject to the condition that the petitioner shall ensure presence of the witnesses without seeking any assistance of the Court subject, however, to payment of costs of Rs. 10,000/- to be deposited with the trial court well before the date fixed i.e. 8.8.2016 which shall be released in favour of the respondent/defendant, as per rules.

Before parting with the order, it is clarified that the petition has been disposed of without notice to the respondent in order to avoid inconvenience and incurring expenditure by her. However, if the respondent has any grievance to express, she shall be at liberty to file an appropriate application before this Court.

(Rekha Mittal)
Judge

28.7.2016

PARAMJIT

Whether speaking/reasoned : yes/no

Whether reportable : yes/no