

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

C.R. No.5379 of 2016

Date of Decision.23.08.2016

Kanwar Pal

.....Petitioner

Vs.

Pritam Singh and another

.....Respondents

Present: Mr. M.L. Saini, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

The petitioner/applicant-defendant is aggrieved of the order dated 08.07.2016, whereby, evidence of applicant-defendant in application under Order 9 Rule 13 CPC has been closed.

Mr. M.L. Saini, Advocate for the petitioner submits that in case, one opportunity is granted, he will conclude the evidence of two witnesses, one is bailiff, by taking the assistance of the Court.

I have heard the counsel for the petitioner and appraised the paper book and of the view that no doubt, the petitioner/applicant-defendant was negligent in concluding the evidence. However, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant one effective opportunity to the petitioner to conclude the evidence.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioners-defendant shall conclude the evidence of aforementioned two witnesses in accordance with law subject to payment of

costs of ₹5000/- which shall be condition precedent. If the costs is not paid as directed, the order passed already by the court below shall stand restored. If the application is moved for summoning the witnesses, the Court shall permit the petitioner to obtain dasti summons and ensure that the witnesses are served and examined on the date fixed. If the witnesses do not show respect and regard to summons of Court, it can proceed as per the provisions of Order 16 Rule 12 CPC.

The impugned order is set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

August 23, 2016
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No