

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

(1) CR No. 5881 of 2015 (O&M)
Date of Decision: March 14, 2016

Vinod Kumar

...Petitioner

Versus

Jai Prakash

...Respondent

(2) CR No. 5882 of 2015 (O&M)

Vinod Kumar

...Petitioner

Versus

Nityanand

...Respondent

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: None for the petitioner.

Mr. Mukesh Yadav, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. This order shall dispose of the above titled two revision petitions as they arise out of the same set of facts.

2. There is no representation for the petitioner, but I have the benefit of the assistance of understanding the case through the respondents' arguments itself. The revision petitions are against the order striking off the defence for not taking steps to deposit the necessary fee for securing the FSL report. At the time when the court issued notice, the petitioner has brought notice of the Court of the fact that the deposit was, in fact, made on

9.7.2015 through receipt No. 339 and the Court while passing order in September, 2015 fell into the error holding that the amount has not been deposited.

3. Learned counsel for the respondent states that the order was passed even in March, 2015 but the deposit was made only in July 2015. If the Court had passed an order taking notice of the deposit but dismissed it on the ground that there was a delay and it could not be condoned, I will perhaps find some merit in the contention of the respondent. If the court was, however, observing that the direction for deposit has not been complied with, it was clearly against the court records themselves. The Court shall issue appropriate direction for securing the report in the manner it is competent and allow for the defence to be restored for a consideration of the case in accordance with law.

4. Both the revisions are allowed on the above terms.

March 14, 2016
prem

(K.KANNAN)
JUDGE