

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

C.R. No.7063 of 2015 (O&M)

Date of Decision.05.08.2016

Som Dutt Sharma

.....Petitioner

Vs.

Suresh Chand and another

.....Respondents

Present: Mr. D.D. Sharma, 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)

This Court had adjourned the case on last date of hearing to enable the counsel to apprise this Court about status of the trial Court proceedings as the revision petition is against the order dated 24.09.2015. As per the zimini orders, the next date before the trial Court was 30.10.2015 whereas this Court vide order dated 20.10.2015 directed the trial Court to adjourn the case beyond the aforementioned date and therefore, the status remains the same.

The counsel for the petitioner-defendant No.1 orally submits that the order dated 13.07.2015 may also be treated to have been challenged in this revision petition. In this background of the matter, application under Order 18 Rule 17 read with Section 151 CPC was moved in order to enable the defendant to examine the witnesses on the ground that defendant No.1 met with an accident on 16.06.2015 and since then he was in ICU, therefore, he could not appear on the date when the evidence was closed.

Learned counsel for the petitioner submits that he wants to examine petitioner himself and cross-examine defendant No.2, whose cross-examination was treated nil. In order to prevent miscarriage of justice and to do justice, I deem it appropriate to grant one opportunity to the petitioner-defendant No.1 to lead his evidence and also cross-examine defendant No.2 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.

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

(AMIT RAWAL)
JUDGE

August 05, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No