

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

**CR No.726 of 2016 (O&M)
Date of decision:03.02.2016**

Dilbag Singh

... Petitioner

Vs.

Satnam Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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. Bikramjit Aroura, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that in pursuance to the liberty granted by this Court in CR No.6351 of 2015, decided on 22.09.2015, two opportunities were granted to lead evidence while rebutting counter claim. In this regard, he has drawn the attention of the Court to the orders dated 10.11.2015 and 17.11.2015 which read thus:-

“Present : Sh. A.S.Randhawa, Proxy counsel for respondent/counter claimant.

Sh. R. R. Arora, counsel for applicant/respondent.

RW1 and RW2 are present but not cross examined by respondent/counter claimant. On his request, RW1 and RW2 are bound down for the date

fixed subject to costs of Rs.300/- each. On request, case is adjourned to 20.11.2015 for recording the cross examination of RW1 to RW3 as second opportunity.

Sd/-

Parvinder Kaur

CJJD 10.11.2015

Tarn Taran

“Present : Sh. Abhinav Sharma, counsel for counter claimant.

Sh.R.R.Arora, counsel for respondent.

RW1 is present and cross examined. No other RW is present. Respondent has been given only two opportunities for cross examination of witnesses as per order of Hon'ble High Court in CR No.6351 of 2015 (O&M) dated 29.9.2015 passed by Hon'ble High Court. In these circumstances, evidence of respondent stands closed by order. Now to come upon 24.11.2015 for arguments.

Sd/-

Parvinder Kaur

CJJD 17.11.2015

Tarn Taran”

Pronounced on 17.11.2015

On conjoint reading of the aforementioned orders, it is evident that on both occasions, witnesses of the petitioner were present but not cross examined and RW1 was present and cross examined. The Court should have taken into consideration the aforementioned facts and granted one opportunity to examine RW2.

In view of the aforementioned observations, I am of the view that order dated 17.11.2015 is not sustainable and is hereby set aside. One opportunity is granted to the petitioner to cross-examine RW2. Vis-a-vis challenge to the order dated 04.01.2016, which came to be passed on the application filed by the petitioner for tendering the photocopy of the document, I am of the view that such type of application is not tenable, much less, permissible in law and the application has to be filed in accordance with law. However, in the interest of justice, one opportunity is granted to the petitioner to tender the certified copy of the revenue record. Accordingly, the impugned order declining the application is affirmed.

With the aforementioned observations, the revision petition is disposed of.

(AMIT RAWAL)
JUDGE

February 03, 2016
savita