

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

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**CR-7094 of 2014 (O&M)
DATE OF DECISION: 26.02.2016.**

Mahmood Ahmad

....Petitioner.

VERSUS

Amtul Hafez

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Amandeep Soni, Advocate for the petitioner.

Mr. Nahul Sharma, Advocate for
Mr. Dinesh Mahajan, Advocate for the respondent.

Shekher Dhawan, J. (Oral)

Present petition is challenge to the order dated 17.09.2014 whereby application filed by the plaintiff under Section 151 C.P.C. for leading evidence so as to examine plaintiff and one official witness Sukhdev Singh after closure of plaintiff's evidence by Court order on 12.09.2014, was dismissed.

Learned counsel for the petitioner mainly submitted that plaintiff and even Sukhdev Singh, who was official witness could not be examined as the circumstances for non examination of plaintiff and Sukhdev Singh on 12.09.2014 were beyond control of the plaintiff.

Learned counsel for the respondent submitted that plaintiff has already availed several opportunities for the purpose and there is no justified ground for allowing the present petition.

Learned counsel for the petitioner further submitted that petitioner be given only one opportunity to conclude his evidence at his own responsibility.

Having considered the submissions made by learned counsel for the petitioner and the fact that even plaintiff could not be examined, order dated 17.09.2014 passed by the Court below is set aside and trial Court is directed to afford one opportunity to the petitioner-plaintiff to conclude his evidence including himself. Plaintiff shall make arrangements for presence of Sukhdev Singh or any other witness who were to be examined by him, at his own responsibility on the date so fixed by the Court below.

In view of the above, present petition is accepted, subject to payment of costs of Rs.10,000/-.

(SHEKHER DHAWAN)
JUDGE

26.02.2016.

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