

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.7364 of 2016(O&M)
Date of Decision:11.11.2016

Sher Pal Gujjar

---Petitioner

versus

Sanjay Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Bijender Singh Rana, Senior Advocate
for Mr. Ranvir Singh Arya, Advocate
for the petitioner

Mr. Akshay Jindal, Advocate
for respondent No. 1

REKHA MITTAL, J.

The present petition has been directed against order dated 20.12.2016 (Annexure P-8) passed by the Civil Judge (Junior Division), Karnal whereby application filed by the petitioner for summoning the witnesses has been dismissed.

On 4.11.2016, order passed by this court, reads as follows:-

“Notice of motion.

Mr. Akshay Jindal, Advocate accepts notice on behalf of respondent No.1.

Arguments partly heard.

Counsel for the petitioner confines his prayer for summoning the official witnesses only from District Election Office, Bhiwani and Gurgaon.

Counsel for the petitioner is directed to give names of five persons each from District Bhiwani and Gurgaon in whose cases nominations were accepted despite the

fact that they were convicted by a criminal Court and appeals against their convictions are pending.

Adjourned to 11.11.2016.

In the meantime, the trial Court shall not hear the final arguments.

To be shown after completion of urgent cases.”

Counsel for the petitioner has submitted that the petitioner was unable to seek necessary information with regard to names of five persons from District Gurgaon, therefore, he may be permitted to give five names from District Jhajjar in place of Gurgaon.

In view of the above, the petitioner is permitted to file list of five candidates each from District Bhiwani and Jhajjar. The lists Mark 'A' and 'B' respectively, filed in the court, are taken on record.

Counsel for the contesting respondent has not raised any serious issue if the petitioner is permitted to examine concerned witnesses from District Bhiwani and Jhajjar along with relevant records of aforesaid persons. However, it has been prayed that time bound directions may be issued to the trial court for examination of the witnesses and disposal of the petition.

In view of the aforesaid, the petition is partly allowed and the impugned order is modified. The petitioner shall be entitled to summon concerned Clerk of District Election Office, Bhiwani and Jhajjar with complete records of nominations in regard to five candidates each from the aforesaid districts whose names figure in the lists Mark 'A' and 'B'. The trial court shall put its best efforts to complete examination of the witnesses

expeditiously preferably within a period of two months from the next date fixed.

(**Rekha Mittal**)
Judge

11.11.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No