

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

CR No. 745 of 2016(O&M)

Date of decision :15.02.2016

Umrao Singh

..... Petitioner

Versus

Smt. Sadhna Kathuria

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.N.D.Achint, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

CM No. 3566-CII of 2016

This application has been filed by the petitioners to place on file the copy of the order dated 15.12.2015(Annexure P-7), passed by learned Civil Judge (Jr. Division), Gurgaon.

Heard on the application.

In view of the reasons mentioned in the application, the application stands allowed and the document i.e. copy of order dated 15.12.2015 (Annexure P-7) is taken on record.

Learned counsel for the petitioner pleaded that very short question is involved in the present petition. The disposal of the petition is being delayed. The main petition may be pre-poned and may be taken up today itself.

So far no notice has been issued to the opposite party, so in view of the aforesaid request, facts and circumstances of the case, the main petition is pre-poned and is taken up today itself for disposal.

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The present revision petition has been preferred against the order dated 23.12.2015, vide which the evidence of the plaintiff-petitioner has been closed.

2. Learned counsel for the petitioner contended that the learned trial Court vide order dated 15.12.2015 had allowed the petitioner to examine the finger print expert in his additional evidence. He contended that only eight days time was given to produce the expert witness, which was very short. He further pleaded that in the interest of justice, only one opportunity of reasonable period may be granted to produce the expert witness, which is essential for the just decision of the case

3. I have duly considered the aforesaid contentions.

4. Learned trial Court vide order dated 15.12.2015 has come to the conclusion that the examination of the expert witness was necessary for adjudication of the case. So, the application to examine the expert witness was allowed. But, learned trial Court has granted only one opportunity to the petitioner to lead that evidence. The application was allowed on 15.12.2015 and the date for examination of the expert witness was fixed for 23.12.2015. Thus, only eight day's time was granted to the petitioner to produce the expert witness, which, in the opinion of this Court, is quite short and not reasonable as the expert has to take the photographs and

then prepare the report. Generally, the experts are also to appear as a witness before the other Courts. So, the opportunity of reasonable time should have been afforded to the petitioner.

5. Thus, in view of my aforesaid discussion, the present petition is hereby allowed. The petitioner is granted one more opportunity to produce the expert witness on the date to be fixed by the learned trial Court of reasonable duration subject to Rs. 10,000/- as costs.

15.02.2016

S.khan

**(DARSHAN SINGH)
JUDGE**