

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

**CR No.746 of 2016 (O&M)
Date of decision:18.02.2016**

Ram Saran

... Petitioner

Vs.

Hardeep Singh and another

... 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. Gurcharan Dass, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Mr. Anmol Singh Sandhu, Advocate has put in appearance on behalf of the respondent and filed his 'Power of Attorney' in the Court which is taken on record.

Report of the Civil Judge (Junior Division), has been received.

The petitioner is aggrieved of the dismissal of the application seeking to lead additional evidence through the testimony of the following witnesses:-

- i) Concerned Patwari, Village Mansuran, District Ludhiana.
- ii) DW2- S. Udham Singh, Translator

Mr. Gurcharan Dass, learned counsel appearing on

behalf of the petitioner submits that on going through the impugned order, it is evident that earlier the application for additional evidence had been allowed but thereafter, after scoring off the same by hand, it has been rejected. Had there been any doubt in the mind of the Court below, it could have fixed the matter for re-hearing and not in the manner and mode which has been adopted. Vide order dated 03.02.2016, this Court has called the report of the concerned officer which reveals that she had dictated the order allowing the application to Steno, but later on she realized that on 24.11.2015, the application for summoning the witnesses had been dismissed, therefore, scored off the order.

Mr. Anmol Singh Sandhu, learned counsel appearing on behalf of the respondents submits that the impugned order is perfect, legal and justified, therefore, no interference is warranted.

I have heard learned counsel for the parties and appraised the paper book and am of the view that the trial Court should not have adopted the manner which has been noticed above. In case, the trial Court was having doubt could have sought clarification, and fixed the matter for re-hearing despite pronouncing the order in the Court but it could not recall the same at the back of the parties. The Presiding Officer is advised to be more vigilant and wary.

Keeping in view the aforementioned observations, I am of the view that the matter is required to be remitted back to the trial

Court for adjudication of the application for leading additional evidence afresh with a direction that the trial Court shall decide the application pragmatically, in accordance with law.

Accordingly, the impugned order is set aside and the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

February 18, 2016
savita