

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

**CR No.7653 of 2013(O&M)
Date of decision :24.05.2016**

Taranjit Singh

..... Petitioner

Versus

Karnail Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Raman Sharma, Advocate
for the petitioner.

Mr. Ranjan Lohan, Advocate
for the respondents no.1 and 2.

Mr. Diwanshu Jain, Advocate
for respondents no.3 and 4.

Mr. Raghav Goel, Advocate
for respondent no.5.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?Yes.**
- 2. To be referred to the Reporters or not?Yes.**
- 3. Whether the judgment should be reported in the Digest?Yes.**

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 30.11.2013 passed by the learned trial Court vide which the evidence of the petitioner-defendant has been closed by the learned trial Court by order.

2. Learned counsel for the petitioner contended that on 29.11.2013 four witnesses of the petitioner were present. Two witnesses were examined. The counsel for the plaintiff did not cross-examine remaining two witnesses namely Rajesh Kumar, Clerk, Estate Office, Chandigarh and Sh. Devendra Prasad, hand writing expert to prove his report. But, on the next date, they did not appear. He contended that the Court should have bound down those witnesses to attend the Court. They were the summoned witnesses. If, they have not appeared on the next date, the petitioner cannot be at fault. He further contended that in the interest of justice, Sh. Devendra Prasad, hand writing expert may be allowed to produce in the evidence of the petitioner-defendant. Petitioner may be given one opportunity to produce him at his own responsibility.

3. On the other hand, learned counsel for the respondents contended that the petitioner has availed number of opportunities to produce his evidence. He has moved various frivolous applications, which were dismissed by the learned trial Court. They contended that as per law, the petitioner was only entitled for three opportunities to produce the evidence. But, he has availed numerous opportunities. So, his evidence has been rightly closed by the learned trial Court.

4. I have duly considered the aforesaid contentions.

5. Annexure P-3 is the copy of the order dated

29.11.2013 passed by the learned trial Court, which shows that PW-Rajesh Kumar, Clerk, Estate Office and Sh. Devendra Prasad, the hand writing expert were present in the Court. But, learned counsel for the plaintiffs-respondents were not ready to cross-examine them as their names were not mentioned in the list of witnesses. The learned trial Court has mentioned that the counsel for the plaintiffs cannot be forced to cross-examine them on that day. However, they have agreed to cross-examine them on 30.11.2013 itself. But, on 30.11.2013, none of them was present. This fact is not disputed that both these witnesses were the summoned witnesses. While adjourning the case on the plea raised by learned counsel for the plaintiffs-respondents, the learned trial Court should have bound down these witnesses to appear on 30.11.2013. But, that was not done by the learned trial Court.

6. Learned counsel for the petitioner has categorically stated that the petitioner may be given one opportunity to examine Sh. Devendra Prasad, the hand writing expert to prove his report. He will be produced by the petitioner by availing one opportunity to be granted by the Court purely at his own responsibility. As the petitioner is seeking permission only to produce the hand writing expert on one date at his own responsibility, so there is no question of prolonging the proceedings of the case.

7. Thus, keeping in view my aforesaid discussion, the present revision petition is hereby partly allowed. The petitioner is granted one opportunity to examine Sh. Devendra Prasad, the hand writing expert subject to Rs. 10,000/- as costs to be paid by the petitioner-defendant to the plaintiffs. The case before the learned trial Court is stated to be fixed on 31.05.2016. The petitioner will produce Sh. Devendra Parsad, the hand writing expert for examination on that date at his own responsibility.

8. Keeping in view the short date fixed before the learned trial Court, copy of this order be supplied to learned counsel for the parties under the signatures of Special Secretary of this Court.

24.05.2016

S.khan

(DARSHAN SINGH)
JUDGE