

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

**CR No.8562 of 2016
Date of decision:19.12.2016**

Raj Kumar

... Petitioner

Vs.

Nirmala Midda and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Chirag Wadhwa, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the order dated 07.11.2016, whereby, evidence of the plaintiff in the election petition has been closed by Court order without affording sufficient opportunity to the present petitioner to cross-examine the plaintiff witness and order dated 03.12.2016, whereby, an application for recalling the plaintiff and other witnesses for cross-examination, has been dismissed.

Mr. Chirag Wadhwa, learned counsel appearing on behalf of the petitioner submits that in case, one opportunity is granted, subject to any terms and conditions which this Court deem fit, the petitioner will conclude the entire evidence. He further submits that no prejudice would be caused to the respondents, who shall be compensated in terms of costs.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that the lis between the parties is required to

be adjudicated on merits and not on technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioner before the Court below to conclude entire evidence, subject to payment of costs of ₹5,000/- to be paid to the contesting respondents, which shall be a condition precedent .

Accordingly, the revision petition stands allowed.

A photocopy of this order be given dasti to the learned counsel for the petitioner under the signatures of the Reader of this Court.

(AMIT RAWAL)
JUDGE

December 19, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No