

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

CRM-5000-2016 in/&  
CRM-M-26061-2015 (O&M)  
Date of decision: February 23, 2016

Kulwinder Singh ...Petitioner

Versus

Bakshish Singh ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. B.S. Jaswal, Advocate for the petitioner.  
Mr. Anupam Bhardwaj, Advocate for the respondent.

**Rajan Gupta, J. (oral)**

**CRM-5000-2016:**

This is an application for staying the passing of final orders by the trial court during pendency of the main revision petition. With the consent of the parties, the main case is taken up for hearing today itself. Therefore, the present application is rendered infructuous and is disposed of as such.

**CRM-M-26061-2015:**

Present petition is directed against the order dated 24.07.2015, passed by Judicial Magistrate 1<sup>st</sup> Class, Baba Bakala Sahib, whereby defence evidence has been closed by order.

Learned counsel for the petitioner submits that witnesses could not appear before the court due to circumstances beyond his control. One opportunity may be granted for the Expert to appear and depose before the court.

Prayer has been opposed by the counsel representing respondent.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, prayer of the petitioner for examining an Expert witness to compare signatures of deceased Kashmir Singh on the Will in question with that on his bank pass-book, was allowed by Additional Sessions Judge, vide order dated 5.3.2015. Thereafter, petitioner availed four opportunities but was not able to produce the Expert witness. As a result, the court closed the evidence by order on 24.07.2015.

Keeping in view facts and circumstances of the case, this court feels that one opportunity needs to be afforded to the petitioner to examine his witness. Ordered accordingly. Trial court to afford one opportunity to examine the Expert subject to payment of Rs.10,000/- as costs to be remitted to the respondent.

Petition is allowed in these terms.

**(RAJAN GUPTA)**  
**JUDGE**

February 23, 2016  
'Rajpal'