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

CRM-M-37383 of 2016

Date of decision: October 26, 2016

Rajbir Singh

.....Petitioner

Versus

M/s Mehta Construction Company and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. A.K. Jindal, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner.

It is not necessary to issue notice to the other side in view of the short controversy. This Court had made an order dated 11.08.2016 granting opportunity to the petitioner to examine one witness concerned within one month from the date of that order. However, it appears that one month period has expired but the petitioner did not examine the witness concerned.

I have perused the impugned order dated 05.10.2016 (P-4) vide which the trial Court declined the prayer to examine the witness concerned beyond the stipulated period. I do not find any fault with the said order. However, I find that there was negligence on the part of the petitioner in not collecting the copy of the order and thereafter, the same was awaited for 20.08.2016 before the trial Court and again the same was not put up before the trial Court.

Be that as it may, learned counsel for the petitioner states that since the order was made by this Court allowing the petitioner to examine one witness, the chance should not be taken away for the act of negligence of the petitioner.

In my opinion, without finding any fault with the order dated 05.10.2016 passed by the trial Court, one more chance is required to be given to the petitioner to meet the ends of justice, subject to deposit of costs of ₹15,000/- before the trial Court as a pre-condition for extension of time.

Accordingly, this petition is disposed of. Time is extended till 30.11.2016 and the petitioner shall examine the witness concerned, subject to deposit of ₹15,000/- as pre-condition. Disposal order regarding costs by the trial Court as per its wisdom.

(A.B. CHAUDHARI)
JUDGE

October 26, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No