

**CR No. 2273 of 2017 (O&M)
DECIDED ON: MARCH 29, 2017**

JAGDEV SINGH SIDHU

.....PETITIONER

VERSUS

GAGANPREET KAUR AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vinod Sharma (Bhardwaj), Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

CM No. 7042-CII of 2017

Application is allowed, as prayed for.

CR No. 2273 of 2017

By virtue of instant petition, petitioner has sought the setting aside of order dated March 02, 2017 (Annexure P-2) passed by learned Civil Judge (Jr. Division), Chandigarh whereby, the evidence of the petitioner has been closed by orders of the Court.

A glance at the various documents available on file transpires that the petitioner has retired from Para Military Forces in the year 2000 and the amount which is in dispute is alleged to have been deposited by him in the account of his daughter-in-law and grandson. It was also emerged from the various contentions raised by the petitioner that a matrimonial dispute is also

going on in between respondent No.1 and her husband Prabhpreet Sidhu. On account of retired life and old age ailments petitioner could not summon a clerk alongwith record from the office of respondent No.3 and he seeks an opportunity to examine the Clerk only and for that purpose, he may also be burdened with some cost.

No doubt a perusal of the impugned order reveals that sufficient opportunities have already been accorded to the petitioner and impugned order does not deserve any interference of this Court on legal aspects. Yet in the interest of justice, this Court feels it proper to grant an opportunity to the petitioner to examine the Clerk from the office of respondent No.3 alongwith record.

Thus, instant petition is disposed of with a direction to learned trial Court to accord an ample opportunity to the petitioner to summon the Clerk alongwith record from the office of respondent No.3 and then to proceed with the suit for its disposal in accordance with law. However, in case, the petitioner desires to summon the afore-said Clerk through the process of Court let that facility be also provided to him.

MARCH 29, 2017
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*