

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

CR No.4223 of 2017

Date of Decision: 03.07.2017

Sumit Kumar

.....Petitioner

Vs.

Naresh Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Parminder Singh, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the order dated 04.05.2017 (Annexure P-4), whereby, he has been allowed to join the proceedings. However, opportunity has not been given to the petitioner to file written statement and cross-examine the already examined witnesses.

Learned counsel for the petitioner submits that no service was effected upon the petitioner and neither any other mode of service i.e. proclamation, passing of summons and publication in the newspapers was carried out. However, the learned trial Court vide order dated 04.08.2016 proceeded the petitioner exparte on the ground that none has appeared on behalf of the petitioner. However, learned trial Court has allowed the petitioner to join the petition but right to file the written statement and cross-examine the plaintiff-witness has been forfeited without assigning any cogent reason. As such, he prays for right to file the written statement and cross-examination the plaintiff-witnesses has been allowed to the petitioner.

Keeping in view the above and evidence led of the petitioner, filing of written statement would be necessary for leading the evidence by the petitioner. The order dated 04.05.2017 is being modified and direction is given to the petitioner to lead his evidence by way of filing written statement before the trial Court within one week from the date of receipt of the certified copy of this order subject to payment of costs of Rs.5,000/- to the District Legal Service Authority, Karnal.

**(RITU BAHRI)
JUDGE**

03.07.2017

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