

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

**CRM NO. M-14129 OF 2017(O&M)
DECIDED ON : 23.08.2017**

Savita Arora

...Petitioner

versus

M/s Bajrang Steel Udyog and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Pankaj Bali, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM NO. 20629 OF 2017

This is an application for placing on record the receipt dated 18.05.2017 (Annexure P-7).

For the reasons mentioned in the application, the same is allowed and receipt Annexure P-7 is taken on record, subject to all just exceptions.

MAIN CASE

The petitioner has assailed the order dated 20.03.2017 (Annexure P-6) passed by Judicial Magistrate Ist Class, Jalandhar, whereby the defence of petitioner has been closed. The petitioner is accused in a complaint bearing No.3169 of 2014 under Section 138 of Negotiable Instruments Act.

Learned counsel for the petitioner contends that petitioner is a 70 years old lady who is confined in bed due to spinal cord injury suffered by her in the year 2001. The petitioner had deposited ₹2500/- for each witness, in terms of the order passed by the trial Court but

only one out of three witnesses could be examined and despite the best efforts of the petitioner, the remaining two witnesses could not be produced in Court.

Learned counsel further contends that the petitioner may be granted one opportunity to produce the remaining two witnesses.

Heard.

In view of the limited prayer made by learned counsel for the petitioner, I do not intend to issue notice to the respondent.

The petitioner is a 70 years old lady, who is confined in bed due to spinal cord injury. Although she had deposited the costs for the examination of three witnesses but only one out of three witnesses could be examined. It would be in the interest of justice, if the petitioner is granted another opportunity to examine the remaining two witnesses.

Consequently, the instant petition is allowed and the impugned order dated 20.03.2017 passed by the trial Court, is set-aside. The petitioner shall be granted one opportunity to examine two witnesses subject to payment of ₹5000/- as costs, to be deposited with the District Legal Services Authority, over and above the costs of ₹7500/- imposed by the trial Court.

(ANUPINDER SINGH GREWAL)
JUDGE

AUGUST 23, 2017
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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO