

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 2084 of 2018(O&M)
Date of Decision:28.03.2018

Lakhbir Singh

....Petitioner

Versus

Baljit Singh & anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ritesh Pandey, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, prayer has been made for setting aside order dated 29.01.2018 (Annexure P-4) of the trial Court, whereby evidence of the petitioner was closed.

Learned counsel for the petitioner *inter alia* contends that the counsel for the petitioner was bed ridden on account of his operation for piles since last one month before passing of the impugned order and for that reason, he could not appear before the trial Court at the time of cross-examination of two witnesses of the petitioner by the other side. The impugned order is patently illegal in view of the fact that the petitioner in person was present in Court and his presence was also marked in the impugned order, who had made a request for adjournment for above medical reason of his counsel.

Considering overall facts and circumstances, but without commenting on the merits of the case, in the interest of justice, equity, good conscience and fair play, the impugned order is set aside. Resultantly, the trial Court is directed to permit the petitioner-plaintiff, after due notice to the respondents, to produce his witnesses mentioning in the impugned order in the

dock for their examination by the opposite side, at his own responsibility, subject to payment of costs of ₹1,000/-, to be deposited with the Member Secretary, District Legal Services Authority, Gurdaspur.

It is clarified that for examining his witness, the trial Court would not grant any assistance to the petitioner.

Disposed of with the above observations.

This order has been passed without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

A copy of this order be also sent to Member Secretary, District Legal Services Authority, Gurdaspur, to recover the costs.

28.03.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No