

**In the High Court of Punjab and Haryana at Chandigarh
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**CR No. 5081 of 2018 (O&M)
Date of decision: 17.9.2018**

Mohinder Singh

.....petitioner

Versus

Kuldeep Kaur and others

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Navneet Jindal, Advocate,
for the petitioner.

Ms. Suminderdeep Kaur, Advocate for
Mr.R.K.Kapila, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J.(oral)

Learned counsel for the petitioner submits that grant of seven opportunities on record would not create any impediment in seeking equitable relief on the ground that the petitioner by virtue of his poverty, illiteracy and non availability of legal advice, was provided a legal aid counsel by the Court. With the help of said legal aid counsel, the defendant-petitioner got himself examined and cross-examined but due to some negligence on the part of the counsel, remaining DWs could not be examined that ultimately led to change of legal aid counsel at the instance of the petitioner and the same was allowed, a new legal aid counsel was provided. Even prior thereto defendant

evidence was closed on 24.1.2018. The new counsel even moved an application for additional evidence, which was declined on 18.5.2018 solely on the ground that the order vide which defendant evidence was closed has not been set aside.

By going through the factual details on record, I deem it appropriate to grant one effective opportunity to the defendant-petitioner to lead his entire evidence by serving the official witnesses with the process of the Court without making any opinion in respect of order dated 18.5.2018 vide which application for additional evidence was dismissed. Trial Court shall fix a date for evidence of the defendant. Thereafter, defendant would lead his entire evidence at his own responsibility, without availing any process of the Court for securing presence of his witnesses.

Petition stands disposed of accordingly.

September 17, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No