

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

Sr. No.263

CR-5266-2017

Date of decision: 04.02.2019

Ranjit Kumar Talwar and another

....Petitioners

versus

Dalip Kumar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.K. Chopra, Senior Advocate with
Mr. Ankit Midha, Advocate
for the petitioners.

Mr. Nakul Sharma, Advocate
for respondent No.1.

None for respondents No.2 to 4 & 7 to 10.

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DEEPAK SIBAL, J. (Oral)

Through the present petition challenge is made to the order dated 08.08.2016 passed by the Civil Judge (Senior Division) NRI Cases, Jalandhar (for short – the Trial Court) through which all other evidence of the petitioners' except cross-examination of PW-4 and evidence of the record keeper was ordered to be closed. Also under challenge is order dated 29.07.2017 passed by the Trial Court through which an application filed by the petitioners to bring on record the original General Power of Attorney dated 28.08.2013, by petitioner No.2 in favour of Petitioner No.1, as additional evidence, has been rejected.

At the outset, Mr. A.K. Chopra, learned Senior counsel appearing for the petitioners submitted that he had express instructions from his clients that the only prayer that they press in the present petition is

that photocopy of the General Power of Attorney dated 28.08.2013 of petitioner No.2 in favour of petitioner No.1 which was produced by PW-4 during his examination be permitted to be replaced with its original.

Learned counsel appearing on behalf of respondent No.1 submits that he also has express instructions from his client, who is present in Court, that he has no objection if the above prayer made by learned Senior counsel in Court today is accepted, of course, subject to the right of respondent No.1 to cross-examine PW-4 on the issue of tendering of the aforesaid original General Power of Attorney.

In view of the above consensus between the parties, after setting aside the order dated 29.07.2017, the Trial Court is directed to permit PW-4 to appear before it only for the purpose of tendering the aforesaid original General Power of Attorney dated 28.08.2013. Needless to add that the respondents would be granted an effective opportunity by the Trial Court to cross-examine PW-4 but only with regard to tendering of the aforesaid original General Power of Attorney.

The present petition is disposed of in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

February 04, 2019
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No