

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53456-2018 (O&M)

Date of decision: 28.03.2019

Vipin Soni

....Petitioner

Versus

Prem Kumar Lekh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Piyush Khanna, Advocate for the petitioner.

Mr. Manoj Kumar Sharma, Advocate for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 25.10.2018 passed by the trial Court in complaint No.NACT/410/2016 titled as Vipin Soni Vs. Prem Kumar Lekh, vide which the petitioner/complainants' evidence was closed by the order.

Learned counsel for the petitioner submits that on the date, when the impugned order was passed, the case was fixed for the complainant's evidence, however, on account of non-availability of complainant's witness, the trial Court, considering the fact that the case was, for the first time, listed for the complainant's evidence on 16.11.2017 but the petitioner could not conclude his evidence, closed the complainant's evidence by order. It is further submitted that only one witness i.e. Accountant of the complainant's firm remains to be examined.

Learned counsel for the respondent-accused has however opposed the prayer on the ground that the complainant is delaying disposal of the case.

After hearing learned counsel for the parties, I find merit in the present petition.

Considering the fact that the case was fixed for the complainant's evidence and on the previous date, statement of CW1 i.e. petitioner Vipin Soni was recorded and Accountant of firm of the complainant is an important and relevant witness, who can give details of the outstanding dues/debt or liability pending against the complainant, this petition is allowed, however, considering the fact that the petitioner has availed number of opportunities, the same will be subject to payment of costs of Rs.5,000/- to be paid to the respondent-accused at the time of recording the statement of Accountant of petitioner-complainant's firm.

The trial Court is directed to give one effective opportunity to the petitioner to examine his witness at his own responsibility.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2019
vishnu

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