

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

116

CR-367-2020

DATE OF DECISION: 29.01.2020

USHA DHIR @ USHA RANI

... Petitioner(s)

Versus

KISHORE SAREEN AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sanjeev Roy, Advocate for the petitioner.

Mr. Puneet Jindal, Senior Advocate with
Mr. Raghav Kakkar, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 06.01.2020 (Annexure P-10), whereby the evidence of the petitioner defendant No.9 has been closed.

Learned counsel for the petitioner contends that the petitioner is seeking only one opportunity to examine the handwriting expert and despite his best efforts, the hand writing expert could not be present on the date when the order closing his evidence was passed. He also contends that although it is recorded that 35 opportunities have been accorded to the defendant to conclude his evidence but these opportunities were availed by the other defendants.

Issue notice to the respondents.

At the asking of the Court, Mr. Raghav Kakkar, Advocate accepts notice on behalf of the respondents and Mr. Puneet Jindal,

learned senior counsel states that the petitioner is trying to delay the matter and had availed over 35 opportunities to examine the witnesses including handwriting expert and, therefore, he does not deserve the indulgence of this Court.

Heard.

The petitioner is seeking only one opportunity to examine the handwriting expert. In the event of the petitioner being declined opportunity to examine the witness, prejudice would be caused to him. It would also be in the interest of justice, equity and fair play, if the petitioner is granted one opportunity to examine his witness.

Consequently, the petition is allowed and the impugned order dated 06.01.2020 is set aside. The petitioner shall be afforded one opportunity by the trial Court to examine the handwriting expert within a period of 10 days from now subject to payment of Rs.5,000/- as costs to the respondents.

(ANUPINDER SINGH GREWAL)
JUDGE

29.01.2020.

SwarnjitS

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