

In the High Court of Punjab and Haryana at Chandigarh

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CR-561-2020 (O & M)

Date of Decision: January 27, 2020

SAROJ KUMAR AHUJA

.....PETITIONER

VERSUS

NACHHATTAR SINGH AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Swati Verma, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 14.01.2020 whereby his application for summoning the witness was dismissed and his evidence had been closed.

Learned counsel for the petitioner contends that the petitioner had filed the process fee and diet money of the witnesses. The process fee had been filed on 10.01.2020. She has referred to the copy of the receipt at Annexure P-4. However, the receipt could not be produced before the trial Court when the impugned order was passed on 14.01.2020. She also contends that the petitioner may be granted only one opportunity to examine the Record Keeper of the Municipal Corporation.

Heard.

The petitioner is seeking only one opportunity to examine the Record Keeper of the Municipal Corporation. The impugned order has been passed by noticing that process fee was not filed. Learned counsel for the petitioner has referred to the receipt (Annexure P-4) with regard to the filing of the process fee.

In the event of the petitioner not being allowed to examine the aforementioned witness, prejudice would be caused to him.

In view of the limited prayer of the learned counsel for the petitioner to examine the Record Keeper of the Municipal Corporation, I intend to dispose of this petition without issuing notice to the respondent. It would be in the interest of justice, equity and fair play, if the petitioner is accorded only one opportunity to examine the aforementioned witness.

Consequently, the petition is allowed and the impugned order is set aside. The petitioner shall be granted only one opportunity to examine its witness subject to payment of ₹10,000/- as costs to be paid to the respondent.

If the respondents are aggrieved by the order of this Court, they would be at liberty to approach this Court by filing an appropriate application.

(ANUPINDER SINGH GREWAL)
JUDGE

January 27, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No