

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2481 of 2023 (O&M)
Date of Order: 26.07.2023

Lakhwinder Singh

.Petitioner

Versus

Punjab Wakf Board and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chetan Bansal, Advocate,
for the petitioner.

Mr. Ghulam Nabi Malik, Advocate
for respondent no.1 and 2.

ANIL KSHETARPAL, J

1. On 26.04.2023 the following order was passed:-

“Learned counsel contends that the impugned order closing the evidence of the petitioner is legally unsustainable as the petitioner-plaintiff had led his entire evidence and only the petitioner-plaintiff remained to be examined and that the petitioner could not put in appearance before the learned trial Court when the case was called out and he reached the Court later while the application moved later for permission to examine the petitioner mentioning the aforementioned facts was dismissed. Learned counsel contends that grave prejudice would be caused to the petitioner if one opportunity is not granted to examine himself on such terms as to costs or otherwise as deemed appropriate by this Court.

Notice of motion to respondent Nos.1 and 2 only for final disposal for 15.05.2023.

Dasti only.

Liberty to effect service on respondent Nos.1 and 2

through counsel representing them before the learned trial Court.

Copy of this order be sent to respondent Nos.1 and 2 along with the notice.

To be shown in the list of ordinary cases immediately after the list of urgent cases.”

2. The learned counsel representing the petitioner (the plaintiff) submits that the Wakf Tribunal ordered closure of the evidence before lunch, whereas the petitioner reached after lunch for deposing in the Court. He submits that the affidavit in lieu of the examination-in-chief of the petitioner was attested on the same day.

3. Keeping in view the aforesaid fact, it is considered appropriate to grant one opportunity to the petitioner to appear as a witness subject to the payment of costs of Rs.5000/-.

4. The petitioner undertakes to file his affidavit in lieu of examination-in-chief with copy to the learned counsel representing the respondents before the next date of hearing to facilitate the cross-examination on the date fixed.

5. Disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

July 26, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO