

(2009) 08 P&H CK 0248

High Court Of Punjab And Haryana At Chandigarh

Case No: None

DAV Centenary Public School

APPELLANT

Vs

Lalita and Others

RESPONDENT

Date of Decision: Aug. 11, 2009

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: Ajay Kumar Mittal, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Ajay Kumar Mittal, J.

In this revision petition filed under Article 227 of the Constitution of India the petitioner has approached this Court for setting aside the order dated 4.11.2008 passed by the Additional Civil Judge (Senior Division), Bhiwani whereby evidence of the defendants was closed by the order of the court, and the order dated 15.5.2009 whereby the said court had dismissed the application moved by the defendants for permission of the Court to produce the witness, Hans Raj, in court for cross-examination.

2. Learned Counsel appearing for the petitioner submitted that the examination of Hans Raj is necessary to effectively appreciate and decide the controversy raised in the suit and there was no valid reason for the trial court to decline the prayer of the defendants in that behalf. The counsel further submitted that the petitioner may now be granted only one opportunity to examine Hans Raj who shall be produced in Court at petitioner's own risk and responsibility and for this the other side can well be compensated by awarding costs. Learned Counsel appearing on behalf of respondent-plaintiff, on the other hand, stoutly opposed the prayer of counsel for the petitioner.

3. After hearing learned Counsel for the parties and having regard to the facts and circumstances noticed above, especially in the interest of justice, the petitioner is granted one opportunity to produce and examine Hans Raj at its own risk and responsibility, which shall be subject to payment of Rs. 5,000/- as costs. It is made clear that in case, either the said witness is not examined on a date to be fixed by the trial court or the costs are not paid, this revision petition shall be deemed to have been dismissed.

4. The revision petition stands disposed of accordingly.