

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

CR No.7463 of 2015

Date of decision : 05.11.2015

Balbir Singh

...Petitioner

Versus

Sher Singh alias Shri Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel for the petitioner-plaintiff submits, that vide order dated 07.10.2015 (Annexure P-2), the trial Court had issuedailable warrants of arrest for summoning of PW Vedpal Numbardar. However, on the adjourned date i.e. 20.10.2015 without noticing the report of the so called warrants, had closed the evidence of plaintiff. He further submits, that procedure under Order 16 Rule 10 read with Section 32 CPC has not been followed.

I have heard learned counsel for the petitioner and appraised the paper book.

The order dated 07.10.2015 (Annexure P-2) and 20.10.2015 (Annexure P-1) reads thus:-

Order dated 07.10.2015:-

“Present:- Sh. Bhim Singh, Adv. Counsel for plaintiff.

Sh. Fateh Singh, Adv. Counsel for defendant.

Four PWs are present and recorded. Receipt of costs filed. An application has been moved by plaintiff for issuance of warrants of PW Vedpal Numbardar. Heard. In view of the application, let, presence of PW Vedpal Numbardar be secured throughailable warrants in the sum of Rs.5000/- with one surety in the like amount for 20.10.2015. Now to come up on for the date fixed for remaining Pws.”

Order dated 20.10.2015:-

“Present:- Sh. Bhim Singh, Adv. Counsel for plaintiff.

Sh. Fateh Singh, Adv. Counsel for defendant.

One PW is present and recorded. Learned counsel for plaintiff also produced documents. Statement recorded to this effect. Perusal of file reveals that plaintiff has availed several opportunities including the last. Finding no ground to adjourn the case for same purpose again. Evidence of plaintiff is hereby closed. Now to come up on 06.11.2015 for evidence of defendant.”

Impugned orders would show that there is no application of mind with regard to the report of the warrants issued for summoning of Vedpal Numbardar. I am of the view that procedure as envisaged under Order 16 Rule 10 read with Section 32 CPC has not been followed. The trial Court is enjoined upon an obligation to ensure the presence of the witness summoned through the process of the Court, therefore, order impugned

dated 20.10.2015 for closing of the evidence of plaintiff is not sustainable and is hereby set aside.

The trial Court shall ensure the presence of the witness sought to be summoned through the process of the Court in accordance with law.

Revision petition stands allowed.

05.11.2015

pawan

**(AMIT RAWAL)
JUDGE**