

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

CR No.7984 of 2015 (O&M)
Date of decision:30.11.2015

Sant Lal and another Vs. ... Petitioners

Suresh and others ... Respondents

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. Arvind Singh, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 30.10.2015 (Annexure P-1), whereby, the evidence of the petitioner-plaintiffs has been closed by an order.

Mr. Arvind Singh, learned counsel appearing on behalf of the petitioner/plaintiffs No.3 and 4 submits that though the suit was filed on 11.11.2011 and the issues were framed in the year 2015, the petitioner/plaintiffs No.3 and 4 want to examine only two summoned witnesses as per the contents of the application (Annexure P-2) and in this regard, diet money stood deposited. Non-appearance of the witnesses was not in control of the plaintiffs and the Court below ought to have resorted to the provisions of Order 16 Rule 12 CPC,

therefore, the impugned order is not sustainable in the eyes of law.

I have heard learned counsel for the petitioner/plaintiffs No.3 and 4 and appraised the paper book.

The aforementioned witnesses have been summoned through the process of the Court by depositing the requisite diet money. In case, the aforementioned witnesses have not appeared, there was no occasion for the trial Court to close the evidence by order. In my view, the trial Court ought to have resorted to the provisions of Order 16 Rule 12 of the CPC, as noticed above.

In view of what has been observed above, the impugned order dated 30.10.2015 is hereby set aside and the trial Court is directed to summon the aforementioned witnesses as per the provisions prescribed above, much less, in accordance with law, and also tendering of certain admissible documentary evidence.

Accordingly, the revision petition is allowed.

(AMIT RAWAL)
JUDGE

November 30, 2015
savita