

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

C.R. No. 8748 of 2014
Date of decision: 04.02.2015

Sania Vatsa

....Petitioner(s)

Versus

Kamal Raj and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present revision petition is to the order dated 14.10.2014 (Annexure P-3) whereby, the trial Court has dismissed the application for summoning of witnesses against diet money. The reasoning given by the Court is that the issues were framed on 03.05.2013 (sic 13.05.2013) and the list of witnesses was to be filed within 3 days but no list was filed. On 26.09.2014, counsel for the plaintiff had undertaken to conclude the evidence and final opportunity was granted for 18.10.2014. In between, the application was filed for summoning the witnesses, which has now been dismissed.

In pursuance of the order dated 07.01.2015 passed by this Court, counsel for the petitioner has produced the zimini orders. A perusal of the same would go on to show that the issues were framed on 13.05.2013. 7 dates were taken and only on 06.01.2014, affidavits of 4 witnesses were tendered. Thereafter, their cross examinations were conducted on various dates and on at least 3 occasions when witnesses were supposed to be present, none was present. Costs of ₹300/- were imposed on 16.08.2014, subject to last opportunity. Thereafter, on 26.09.2014, as noticed by the

trial Court also, counsel for the plaintiff-petitioner had suffered statement that he would conclude the entire evidence on the next date of hearing, failing which, the evidence of the plaintiff would be closed by order. Thereafter, the impugned order was passed on 14.10.2014 on moving of the application. The plaintiff herself was cross examined on 18.10.2014 and another witness PW-3 Rajnish Vasta was cross examined on 30.01.2015 and the case has now been adjourned for 13.02.2015 for tendering of documents.

The application for summoning of 15 witnesses had been submitted in such circumstances in the suit for permanent injunction. Obviously, the petitioner is interested in delaying the proceedings by filing the present application at this belated stage since the suit has been pending since 13.10.2010 being a beneficiary of interim orders.

In such circumstances, the order passed by the trial Court is well justified and does not warrant any interference and the present revision petition is accordingly dismissed.

04.02.2015
shivani

(G.S. SANDHAWALIA)
JUDGE