

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

CR No.1599 of 2016

Date of decision: 01.03.2016

Bhajan Kaur

..... Petitioner.

Versus

Kirandeep Kaur and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present civil revision has been preferred against the order dated 11.02.2016, passed by learned Additional Civil Judge (Sr. Division), Samana, vide which the application filed by the petitioner for summoning the witnesses have been dismissed by the learned trial Court.

2. Learned counsel for the petitioner contended that the petitioner was to summon the official witnesses in order to prove the Adhar Card, Voter's Identity Card, Ration Card and Passport of the defendant in order to establish the place of his residence. He contended that the examination of these witnesses is essential for the just decision of the case. The case is still pending at the stage of plaintiff's evidence.

3. I have duly considered the aforesaid contentions.

4. The interim order depicts that learned counsel for the plaintiff has given the undertaking in the Court to

conclude his entire evidence on the next date of hearing, failing which the evidence of the plaintiff was deemed to have been closed by default. Pursuant to said undertaking, the case was adjourned to 21.01.2016. On that date, the affidavit of only one witness was tendered and remaining witnesses were ordered to be summoned as per the earlier application moved by the plaintiff. On 28.01.2016, again the plaintiff was allowed to tender in evidence the affidavit of PW-2, the summoned witness. Thereafter, the fresh application was moved by the petitioner-plaintiff to summon more witnesses. But, the counsel for the plaintiff-petitioner has already given the undertaking on 08.01.2016 in the Court that if no evidence is brought on the next date of hearing, his evidence may be deemed to have been closed. In view of this clear cut undertaking given by the plaintiff-petitioner, he has no right to summon the fresh witnesses.

5. Thus, I do not find any illegality in the impugned order calling for any interference by this Court while exercising the supervisory powers under Article 227 of the Constitution of India.

6. Resultantly, the present revision petition having, no merits, is hereby dismissed.

01.03.2016

S.khan

**(DARSHAN SINGH)
JUDGE**