

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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Civil Revision No.1953 of 2016
Date of Decision: 16.3.2016

Smt. Suman and another

---Petitioners

versus

Naresh Garg and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Ravi Kant Sharma, Advocate
for the petitioners**

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

Rekha Mittal, J.

The present petition lays challenge to orders dated 11.2.2016 and 16.2.2016 (Annexures P-7 and P-8) whereby evidence of the petitioners/defendants has been closed by order of the Court.

Counsel for the petitioners would contend that the suit was instituted by the plaintiffs in the year 2010 and after framing of issues, the respondents/plaintiffs availed a number of opportunities for adducing evidence and ultimately closed their case on 7.7.2015. It is further submitted that since 6.8.2015, the first date for evidence of the defendants/petitioners, they have been provided two opportunities before the case was transferred to the present court. On the first effective

opportunity provided to the petitioners for 24.8.2015, an order was made with regard to last opportunity. On 8.2.2016, the present Presiding Officer adjourned the case to 10.2.2016 with a direction to the petitioners to conclude their evidence by allowing one last opportunity. On 10.2.2016, one witness was present, tendered his affidavit by way of examination in chief and the case was adjourned to 16.2.2016 on which date evidence of the petitioners has been closed despite an application filed for adjournment on the plea that son of the defendant is unwell and 10 days' time may be granted.

A perusal of the zimni orders reproduced on pages 38 to 41 of the petition would indicate that the proceedings are being conducted in a tearing hurry and haste for some undisclosed reasons. There is no appreciation by the court concerned that the petitioners are not to be blamed for delay in conclusion of proceedings that remained pending for number of years for recording evidence of the respondents/plaintiffs. It is a well known principle that justice is not only done but it should appear to have been done. The manner in which the trial court has proceeded to close evidence of the petitioners, virtually scuttling their right to counter case of the respondents-plaintiffs, it is expedient in the interest of justice that the case is dealt with by some other court. Accordingly, the District Judge, Chandigarh is directed to transfer the case to any other court. The court shall provide two effective opportunities to the petitioners to adduce their remaining evidence at their own responsibility. However, they would be entitled to assistance of judicial process in case an official witness is to be

examined but subject to the condition that they would get dasti summons and ensure presence of the witness(s) on the date fixed.

Disposed of accordingly.

(Rekha Mittal)
Judge

16.3.2016
PARAMJIT