

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

CR-3973-2015

Date of Decision: 11.3.2016

ISHE KHAN AND OTHERS

.....Petitioners

Vs.

YASIN KHAN AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. S.K. Bawa, Advocate
for the petitioners.

Mr. Arjun Veer Sharma, Advocate
for respondent No.1.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioners contended that respondents No.4 and 5 were just the proforma respondents against whom no relief has been claimed. Only respondent No.1/plaintiff is the contesting respondent.

The present revision petition has been preferred against the order dated 25.05.2015 passed by the learned Civil Judge (Senior Division), Mewat vide which the application moved by the petitioners for summoning of the witnesses and for depositing of the diet money, has been dismissed and the order dated 26.05.2015 vide which the evidence of the petitioners, has been closed by order.

Learned counsel for the petitioners contended that the valuable rights of the petitioners are involved in the suit. The petitioners may be afforded just one opportunity to produce the remaining evidence at their own responsibility. He further contended that the application for summoning

the witnesses was wrongly declined.

Learned counsel for the respondent No.1 contended that there is no illegality in the impugned orders passed by the learned trial Court.

I have duly considered the aforesaid contentions. The petitioners have moved an application for summoning the witnesses but the same has been declined on the ground that the petitioners were required to file the list of the witnesses on 23.09.2013 but they have not complied with the order dated 15.7.2013 and the application for summoning of the witnesses was declined vide impugned order dated 25.5.2015. Thereafter, vide impugned order dated 26.5.2015, the evidence of the petitioners/defendants was closed as the evidence was not produced despite last opportunity.

There is no dispute that valuable rights of the defendants are involved in the present suit. If one more opportunity is granted to the petitioners to produce his evidence, I think that will not cause prejudice to the rights of respondent No.1, particularly in view of the undertaking given by the learned counsel for the petitioners that the entire remaining evidence shall be produced by the petitioners on one date, to be fixed by the learned trial Court, at their own responsibility.

Thus, the present revision petition is hereby allowed. The petitioners are granted one effective opportunity to produce their remaining evidence on the date to be fixed by learned trial Court purely at their own responsibility, subject to Rs.10,000/- as cost.

(DARSHAN SINGH)
JUDGE

March 11, 2016.

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