

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

C.R. No.4916 of 2016

Date of Decision.03.08.2016

Swaran Kaur and others

.....Petitioners

Vs.

Swinder Kaur and others

.....Respondents

Present: Mr. Anil Chawla, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

The petitioners-plaintiffs are aggrieved of the order dated 13.07.2016 whereby the trial Court closed their evidence.

Mr. Anil Chawla, learned counsel appearing for the petitioners contends that the application for summoning of the witnesses was moved on 30.03.2016. Though the issues were framed in the year 2013, Mr. Chawla, states that two witnesses as per the provisions of Order 16 Rule 1A CPC have already been examined but the summoned witnesses are required to be examined yet the evidence has been closed on account of having availed sufficient opportunities. In case one opportunity is granted, he will examine all the witnesses by obtaining dasti summons subject to any terms and conditions.

I have heard learned counsel for the petitioners and appraised the paper book and of the view that once the petitioners undertake to examine the witnesses by taking dasti summons in accordance with law, in

order to prevent the miscarriage of justice and do justice, I grant one effective opportunity to the petitioners to summon the witnesses in accordance with law i.e. by obtaining dasti summons. In case the summoned witnesses do not appear, the Court shall take into consideration the provisions of Order 16 Rule 12 CPC. The effective opportunity will be only one. Other than the summoned witnesses, plaintiff No.1 shall also be entitled to give the evidence in chief.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioners-plaintiffs shall conclude their evidence in accordance with law subject to payment of costs of ₹7,000/- which shall be condition precedent. If the costs is not paid as directed, the order passed already by the court below shall stand restored.

The impugned order is set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

August 03, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No