

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

CR No.6000 of 2016

Date of decision : 14.09.2016

Kamal and others

...Petitioners

Versus

Girraj and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Shiv Kumar, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners-defendants are aggrieved of the impugned order dated 04.02.2016 (Annexure P-4), whereby the evidence of the petitioners has been closed by order and order dated 22.08.2016 (Annexure P-7) passed by the trial Court, whereby application (Annexure P-5) for review of order dated 04.02.2016, has been dismissed.

Mr. Shiv Kumar, learned counsel appearing on behalf of petitioners-defendants submits that witness has been sought to be summoned as per the list of witnesses. Even diet and Process fee was deposited but the witness did not come. In fact, the Courts below resorted to the provision of Order 16 Rule 12 of the Code of Civil Procedure, therefore, no fault can be attributed.

I am in agreement with the contention made by learned counsel

for the petitioner-defendants. It was not within the control once it discharge the duty. Court should have resorted to the aforementioned provisions of law.

Accordingly, impugned orders dated 04.02.2016 (Annexure P-4) and 22.08.2016 (Annexure P-7) are set aside.

Present revision petition, is accordingly, allowed.

Opportunity is granted to lead evidence by resorting to the aforementioned provisions of law.

14.09.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No