

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

C.R. No.7799 of 2016

Date of Decision.18.11.2016

Surinder Kumar and another

.....Petitioners

Vs

Piara Singh and others

.....Respondents

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

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Mr. Shiv Kumar, learned counsel appearing for the petitioners submits that despite depositing of diet money and report on the summons (Annexure P-2), evidence of the plaintiff has been closed. The Court should have taken remedy to the provisions of Order 16 Rule 12 CPC.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that once the petitioner has taken steps to summon the witness, the remedy is not to close the evidence but to take appropriate steps in accordance with law, as noticed above.

The impugned order is set aside. The trial Court is directed to take steps to effect service upon the witness as evident from Annexures P-2 and P-3. The revision petition is allowed on aforementioned terms.

**(AMIT RAWAL)
JUDGE**

November 18, 2016

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No