

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.12 of 2017 (O&M)
Date of decision: March 07, 2017

KRISHAN LAL

....PETITIONER...

VS.

JASWINDER KUMAR AND ANOTHER

....RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Munish Gupta, Advocate,
for the petitioner.

JASPAL SINGH, J.

CM-4564-CII-2017

This is an application for placing on record zimni orders passed by
ld. trial court from 20.07.2010 till 15.09.2016 (Annexure P-4) and for
exemption from filing certified copies of the same.

Allowed as prayed. Documents (Annexure P-4) are taken on
record, subject to all just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

Main case

By virtue of instant civil revision petition preferred under Article
227 of the Constitution of India, the petitioner-plaintiff has sought setting aside
of order dated 15.09.2016 (Annexure P-3) passed by Additional Civil Judge
(Senior Division), Hoshiarpur, vide which, his evidence has been ordered to be
closed by order.

2. A glance at the various interim orders available on record transpires that vide order dated 08.09.2016 passed by ld. trial court, bailable warrants to secure the presence of witness were issued for 15.09.2016 and as per report, bailable warrants were not issued unfolding the reason that “*due to rush of work*” but the ld. trial court instead of securing the presence of the said witness by way of execution of bailable warrants or any other mode, has opted to close the evidence vide impugned order dated 15.09.2016, just for the reason that the issues were framed in the case on 20.07.2010 and the petitioner-plaintiff has availed numerous opportunities within a time span of 5 years. But once the court has adopted coercive method to secure the presence of the witness, who has already been examined-in-chief, it was not desirable to close the evidence by order. Rather, it was obligatory upon the court to secure his presence for his cross-examination by the other side.

3. Without commenting much upon the impugned order, instant petition is disposed of with a direction to the trial court to secure the presence of the witness, who has already been examined-in-chief. However, on the day the presence of the said witness is secured for the purposes of his cross-examination, the petitioner-plaintiff be also examined. Except the aforesaid witnesses, no other person shall be allowed to be examine as witness.

March 07, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

Yes/No