

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

CR No.1282 of 2017

Date of decision: February 21, 2017

Baru Ram and others

...Petitioners

Versus

Nirmala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Som Nath Saini, Advocate
for the petitioners.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Article 227 of the Constitution of India, petitioners have sought setting aside the impugned order dated 31st January, 2017 passed by Civil Judge(Junior Division), Mohali in Civil Suit bearing No.238 dated 23.08.2012, whereby the evidence of the petitioners/plaintiffs has been closed by order.

A perusal of the file reveals that no proper and effective opportunity was afforded to the petitioners/plaintiffs to adduce and conclude their evidence. Thus, this Court is of the considered view that conclusion of the evidence by order is not legally and factually justified.

The instant petition is disposed of with direction to the trial Court to provide two effective opportunities to the petitioners/plaintiffs to adduce and conclude its evidence which shall be adduced by the petitioners/plaintiffs at their own responsibility. However, petitioners/plaintiffs shall be entitled to obtain *dasti* summons. It is also

made clear that no fresh application for summoning any witness shall be entertained by the trial Court.

A copy of this order be sent to learned trial Court for compliance.

February 21, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No