IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CR No.190 of 2016
Date of decision: 30.10.2017

Uma Shankar and another **...... Petitioners**

Versus

M/s Hari Chand & Sons and another **...... Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajesh Arora, Advocate
for the petitioners.

Mr. Amit Jain, Advocate
for the respondents.

*****

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-petitioners are in revision petition against the order dated 21.12.2015 closing the evidence of the plaintiffs.

Learned trial Court has noticed that the plaintiff has availed several opportunities including last opportunity which was subject to payment of cost of Rs.2,000/-.

It is not in dispute that the plaintiff had submitted the application for summoning as official witness from the office of the District Excise and Taxation Commissioner, Gurgaon along with certain official record. The aforesaid application was allowed and the plaintiff was permitted to deposit the diet money. It is the assertion of the plaintiff that summons were issued but could not be served on the official as 19.12.2015 and 20.12.2015 were holidays.

On 21.12.2015, the impugned order was passed. Although, it is true that the plaintiff has availed several opportunities and the suit is pending for the last almost six years, however, taking into consideration the facts available on the file, it is considered appropriate that the plaintiff is granted one more effective opportunity to examine the aforesaid official i.e. Clerk from the office of District Excise and Taxation Commissioner, Gurgaon by taking dasti notice.

The trial Court shall issue fresh summons for service on the aforesaid official. The summons would be given to the plaintiff to serve on the official by hand. However, this opportunity shall be granted subject to payment of cost of Rs.10,000/-. The trial Court shall not adjourn the case for this purpose for more than 15 days.

Revision petition is allowed.

(ANIL KSHETARPAL)
JUDGE

30.10.2017
Dinesh Bansal

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No