

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

CR No.1614 of 2017

Date of decision: March 06, 2017

Baba Farid Public School Sogalput and others ...Petitioners

Versus

M/s Karam Chand Pardeep Kumar ...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

**Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioners.**

JASPAL SINGH, J.(ORAL)

By virtue of the instant revision petition preferred under Article 227 of Constitution of India, petitioners have sought setting aside the order dated 27th February, 2017 whereby the evidence of the petitioners/defendant has been closed by order.

The only contention of learned counsel for the petitioners is that though petitioners/defendant has deposited diet money of two witnesses, the proprietor of M/s Singla Iron Store Ghanaur and his service was also bound down for 17th February, 2017 yet he did not appear and without examining him as a witness his evidence has been closed vide impugned order dated 27th February, 2017.

This Court finds substance in this contention. Thus, without commenting upon impugned order, it is suffice to say that it was the duty of the trial Court to secure the presence of the witness who did not appear despite his due service. But without adopting any coercive method for securing his presence, the trial Court has opted to close the evidence of the petitioners/defendant by order, which is not legally justified.

Thus, the impugned order is *set aside* and trial Court is directed to afford two effective opportunities to the petitioners/defendant for their evidence. Presence of the witness referred to above shall be secured by the trial Court by adopting coercive method so that the case of the petitioners/defendant may not suffer.

In view of aforesaid direction, instant petition stands disposed of.

March 06, 2017
m. sharma

(JASPAL SINGH)
JUDGE