

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

CR No.1682 of 2017.

Date of Decision: 08.03.2017.

Sandeep Sachdeva

....Petitioner.

VERSUS

Bhagwati Devi

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sanjay Vij, Advocate for the petitioner.

SNEH PRASHAR, J.

The instant revision petition has been filed assailing the order dated 01.03.2017 passed by learned Civil Judge (Junior Division), Gurugram dismissing the application filed by the petitioner to summon nine witnesses named therein.

The submissions made by Mr. Sanjay Vij, learned counsel representing the petitioner have been heard.

Learned counsel for the petitioner submits that earlier on 09.01.2017 the evidence of the petitioner was closed by order by learned trial Court against which he filed Civil Revision No.478 of 2017 before this Court and vide order dated 24.01.2017 he was granted one opportunity to lead his entire evidence. In compliance of the order, learned trial Court fixed the date for recording of the evidence of the petitioner as 15.03.2017 and on 01.03.2017 the petitioner filed an application naming the witnesses to be summoned by him. However, learned trial Court declined to summon

the witnesses and directed the petitioner to produce the witnesses at his own responsibility. Learned counsel contends that there are three official witnesses among the witnesses sought to be summoned by him who would not appear before the Court without receipt of summon from the Court.

To avoid further delay in disposal of the case, notice is not being issued to the respondent. Perusal of the application (Annexure-P4) filed alongwith the petition shows that the petitioner had given application for summoning of nine witnesses, majority of whom are private persons. There are only three witnesses named at serial No.3,7 and 9 who are Government officials and have been summoned to produce the record maintained by their office. Indeed, the said witnesses would not appear and would also not produce the official record unless they receive a summon from the Court. The prayer of the petitioner to summon the said witnesses was justified and learned trial Court should not have declined the same. As far as all other witnesses named in the application are concerned, they being private persons have to be produced by the petitioner at his own responsibility.

In the above premise, the instant petition is allowed. Learned trial Court shall issue summons to the three Government officials named as witnesses in the application of the petitioner. Remaining witnesses, if any, will be produced by the petitioner at his own responsibility. It is further made clear that only the witnesses present on the date fixed by learned trial Court i.e. 15.03.2017 would be examined. The petitioner will be at liberty to take *Dasti* summons and in case summon of any of the witness remains unserved, the case will not be adjourned for his statement. However, if the witness is served or he fails to appear with the record, only then a short date

for his appearance/ production of the record would be allowed by learned trial Court, but otherwise except for recording statement of the petitioner in the eventuality as explained by this Court in order dated 24.01.2017, no further date will be given.

Copy of this order be given to the counsel for the petitioner under signature of Reader of this Court.

08.03.2017.

jitender sharma

(SNEH PRASHAR)
JUDGE

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**