

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

120

CR-2035 of 2017

DATE OF DECISION: 21.03.2017.

Gurjant Singh

...Petitioner

VERSUS

Dharam Dev Batish and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE (DR.) SHEKHER DHAWAN

Present: Mr. A.S. Jawandha, Advocate for the petitioner.

Shekher Dhawan, J.

Present petition is directed against the order dated 09.01.2017 whereby evidence of petitioner-defendant No.7 was closed by Court order.

The order passed by the Court on 09.01.2017 is extracted below:-

“Today case was fixed for evidence on behalf of defendant No.7 and it was directed to him to get the dasti summons of the witness but in the present case, again summons have received back with report of Adampata. Since 28.07.2014, case is lingering on for the purpose of evidence of the defendant but defendant failed to conclude its entire evidence and as such I have no ground to adjourn the case further for the purpose of defendant's evidence. Present case falls in the category of Action Plan cases. Keeping in view of the facts and circumstances of this case, evidence of the defendant stands closed by order.”

Learned counsel for the petitioner contended that a few adjournments were granted to conclude the evidence and the petitioner has examined all the witnesses except Lambardar, who is a material witness as he had put his identification on the document, but the said witness remained

Learned counsel for the petitioner further contended that he be given one more opportunity and he will conclude the evidence at his own responsibility.

Having considered the submissions made by learned counsel for the petitioner and appraisal of record, this Court is of the considered view that the petitioner be given one more opportunity to conclude his evidence by taking dasti summons as the witness to be examined is material witness. As such, order dated 09.01.2017 is hereby set aside and petitioner is given one opportunity to conclude the evidence at his own responsibility by taking dasti notice for the date fixed by the Court below and petitioner shall be burdened with costs of Rs.20,000/-. As the prayer and relief claimed by the petitioner is to this extent only, so notice is not being issued to opposite party.

Petition is disposed of.

(SHEKHER DHAWAN)
JUDGE

21.03.2017.

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Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No