

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

Sr. No.131

**CR No.2766 of 2017**

**DECIDED ON: April 20, 2017**

**MALKIAT KAUR**

**..PETITIONER**

**VERSUS**

**NAGINDER SINGH AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Iqbal Singh Mann, Advocate,  
for the petitioner.

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**JASPAL SINGH, J. (ORAL)**

By virtue of the instant petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside of order dated March 07, 2017 (Annexure P-1) passed by learned Additional Civil Judge (Sr. Divn.), Sri Muktsar Sahib vide which the evidence of the plaintiff/petitioner has been closed by the orders of the court.

2. A close scrutiny of the file as well as impugned order dated March 07, 2017 transpires that an application to adjourn the case for examination of Mr. Harpreet Singh, AFSO, Malerkotla was moved by the plaintiff/petitioner. Undoubtedly, three witnesses namely Pardeep Kumar, AFSO, Baaj Singh and Harmeet Singh, Patwari, who are present and the court was examined. Mr. Harpreet Singh, AFSO, Malerkotla was also

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summoned but could not be served for March 07, 2017, as he was engaged in performing the election duty. Thus, the closure of evidence by the orders of the court cannot be said to be legally justifiable. Rather, it was incumbent upon the trial court to have secured his presence for his examination as a witness. The mere fact that earlier vide order dated February 20, 2017, the petitioner/plaintiff was granted only one opportunity to conclude and adduce her evidence does not mean that the very purpose be scuttled down. The presence of Mr. Harpreet Singh, AFSO, Malerkotla could not be secured as he was on his election duty and it was not possible for him to appear as a witness.

3. Taking into consideration all these aspects of the case but without expressing any opinion with regard to legality or illegality of the impugned order, instant petition is disposed of with the direction to the trial court to afford an effective opportunity to the petitioner/plaintiff to examine Mr. Hapreet Singh, AFSO, Malerkotla as a witness. The service upon witness Mr. Hapreet Singh, AFSO, Malerkotla shall be got effected by the petitioner/plaintiff by obtaining dasti summons from the court concerned and after examination of the aforesaid witness, the trial court is directed to proceed with the same in accordance with law. However, if respondents are so aggrieved of this order, they may approach this Court as this order has been passed in their absence.

***April 20, 2017***  
*Ankur*

**(JASPAL SINGH)**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**