

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

CR No.3102 of 2017

Date of Decision: 01.05.2017

Sonika

.....PETITIONER

Vs.

**Returning Officer, Panchayat Samiti,
Block Sanoli Kurd, Distt. Panipat and others**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.Suryakant Gautam, Advocate for the petitioner.

JASPAL SINGH J. (ORAL)

By virtue of the instant revision petition filed under Article 227 of the Constitution of India, petitioner has sought setting aside the order dated 15.03.2017 (Annexure P-4) passed by learned Civil Judge (Junior Division), Panipat, vide which the evidence of the petitioner/plaintiff has been closed by the orders of the Court.

A glance of the various orders available on the file transpires that vide an application dated 15.11.2016(Annexure P-1), the petitioner deposited the diet money for summoning and examining the record keepers of office of the Registrar Birth and Death Panipat and Sidarth International School, Smalkha, Distt. Panipat, and they were duly served for March 15, 2017. The trial Court instead of securing their presence by adopting coercive method, has closed the evidence. In such circumstances, it was obligatory upon the Court concerned to have secured their presence as witnesses by adopting coercive method(s).

Thus, this Court of the considered view that the closure of the evidence of the petitioner is not legally and factually justified. It has also resulted into a grave prejudice to the petitioner/plaintiff.

In the light of what has been narrated above, this Court of the considered view that the impugned order dated 15.03.2017 (Annexure P-4) is not sustainable in the eyes of law. As such, the same is hereby set aside by way of acceptance of the instant revision petition.

Consequently, the trial Court is directed to secure the presence of both the witnesses named in the aforesaid application dated 15.11.2016 (Annexure P-1) and examining them as witnesses and only thereafter to proceed with the suit petition for its disposal in accordance with law.

Since this order has been passed in the absence of respondents/defendants, if they feel so aggrieved, they shall be at liberty to approach this Court.

(JASPAL SINGH)
JUDGE

01.05.2017

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No