

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

CM No.17640-CII of 2017 in/and
CR No. 3972 of 2017
Date of Decision: 02.11.2017

AGYA KAUR AND ANR

-PETITIONERS

VS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikram Bali, Advocate,
for the applicant-petitioners.

Mr. Rohit Mittal, Advocate, for
Mr. Deepak Manchanda, Advocate,
for respondents No.1 and 2.

RAJ MOHAN SINGH, J. (ORAL)

CM No.17640-CII of 2017

This is an application for preponement of the date of
hearing.

For the reasons mentioned in the application, the
same is allowed and the date of hearing is preponed and the
main case is taken up today for hearing.

Main case

[1]. Petitioners have assailed the order dated 09.05.2017
passed by Additional Civil Judge (Senior Division), Panchkula

whereby evidence of the plaintiffs was closed by order of the Court.

[2]. Learned counsel for the petitioners submits that Record Clerk namely Jai Bhagwan was duly served with the process of the Court but the said witness did not appear despite service.

[3]. Learned counsel for the petitioner further submits that the trial Court could have resorted to coercive method in order to secure presence of the summoned and served witness.

[4]. Learned counsel seeks one opportunity to complete evidence as it was not the fault of the petitioners alone. Defendants were also seeking adjournments to cross-examine the plaintiffs witness.

[5]. Be that as it may, it would be just and appropriate to set aside the impugned order and grant one opportunity to the petitioners to examine Jai Bhagwan, Record Clerk from the office of UHBVNL Colony, Sector 15, Panchkula with record of salary of the deceased-Davinder Singh son of Balbir Singh r/o village Bakshiwala, Tehsil Kalka, District Panchkula.

[6]. Let the needful be done on the date to be fixed by the trial Court for examination of the aforesaid witness along with the record.

[7]. Disposed of.

02.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No