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

**Civil Revision No.4354 of 2017 (O&M)
Date of Decision: 14.09.2017**

TAJINDER SINGH

.....Petitioner

Vs

JANKI DASS AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.S. Virk, Advocate for
Mr. Vaibhav Sehgal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Mr. Ghulam Nabi Malik, Advocate appears on behalf of
respondent Nos.1 to 5.

[2]. On 07.07.2017, following order was passed by this
Court:-

*“Learned counsel for the petitioner submits
that the evidence of the plaintiff was closed after
tendering documents on 27.10.2016 and the case was
adjourned for 10.11.2016 for entire evidence of the
defendants. On the adjourned date, the Presiding
Officer was on leave and the case was further
adjourned to 29.11.2016.*

By referring to number of interlocutory orders passed on record, learned counsel further submits that official witnesses were sought to be served by process of Court and in the event of their non-appearance, the Court should have resorted to coercive mechanism. Even the application for secondary evidence was pending at the time of closing of evidence of the defendants by order of the Court.

Notice of motion to respondents No.1 to 5 at this stage for 14.09.2017.

Till the next date of hearing, trial Court shall adjourn the proceedings beyond the date fixed by this Court.

Liberty is granted to serve respondents No.1 to 5 through their learned counsel appearing before the trial Court”.

[3]. The evidence of the defendants was started w.e.f. 10.11.2016, but on 10.11.2016, the Presiding Officer was on leave and the case was adjourned for 29.11.2016. Perusal of the record reveals that the official witnesses were sought to be served by process of the Court and they did not appear. It was obligatory on the part of the Court to secure the presence of summoned witnesses in terms of Order 16 Rule 10 CPC i.e. by resorting to some coercive mechanism.

[4]. Learned counsel for the respondent Nos.1 to 5 could not dispute the aforesaid factual position.

[5]. In view of above, I deem it appropriate to set aside the order dated 24.05.2017 and this revision petition is disposed with a direction to the trial Court to act in accordance with law in respect of defendants' witnesses in respect of whom the process was issued by the Court. Trial Court shall ensure early summoning of the witnesses and thereof shall proceed to decide the suit itself at the earliest.

September 14, 2017
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No