

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

CR No.5375 of 2017 (O&M)
Date of decision : 16.08.2017

Ramkali

...Petitioner

Versus

UHBVNL and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Mor, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff is in revision petition against the order dated 05.11.2016 closing the evidence of the plaintiff.

Learned counsel for the petitioner has drawn my attention to the order passed by the Court on 05.11.2016, which is extracted as under:-

“No PW is present today. Adjournment requested. Heard. Allowed.

PW concerned clerk, UHBVNL is absent despite service. His presence be secured through bailable warrant for the date fixed.

Now the case is adjourned to 5.11.2016 for remaining evidence of plaintiff. Last opportunity stands for plaintiff evidence.”

The order dated 05.11.2016 does not even make a reference to the bailable warrants issued to the clerk of the respondent-Uttar Haryana Bijli Vitran Nigam Ltd.

No doubt, the plaintiff had already availed number of opportunities. However, once the official of the respondent-Nigam had been summoned and he was not appearing and the Court had issued bailable warrants, the Court ought to have taken that bailable warrants to logical conclusion.

Taking into consideration that the order is totally silent about the bailable warrants, therefore, the order dated 05.11.2016 is set aside.

The plaintiff-petitioner is granted one effective opportunity to conclude her entire evidence. Since, in the meantime, the evidence of the defendants has also been closed, therefore, the defendants be also granted one opportunity to lead their evidence. Since, this order is being passed without issuing notice, therefore, respondents would be at liberty to move application for modification.

Revision petition is disposed of.

16.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No