

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

**CR No. 6049 of 2017
Date of Decision: 28.09.2017**

Sant Lal Pannu

... Petitioner(s)

Versus

Anita and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S. Thind, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

The petitioner/plaintiff is aggrieved by the order vide which his evidence has been closed and seeks indulgence of the Court and seeks one opportunity to lead evidence.

The counsel was asked to place on record the zimni orders. Some of them have been made available.

Counsel for the petitioner contends that he had filed an application for deposit of the expenses for summoning the witnesses and an order for deposit was also made in May 2017 and they are ready to take the summons *dasti* and get the witnesses served. The counsel admits that the Court had given sufficient opportunity but urges that the case is not very old and he has no intention to delay.

Notice to the defendant is dispensed with as it would delay the trial.

The zimni order dated 12.05.2017 shows that the Court had taken note of the fact that the plaintiff wanted to summon seven witnesses and allowed the application and were given one opportunity to examine all the witnesses. A week's adjournment was granted. It appears that the plaintiff did examine the witnesses even on 06.07.2017 and the evidence was closed. Interest of justice demand that one opportunity should be given to the petitioner to lead his evidence. The case is not too old.

The revision is allowed. It is ordered that the plaintiff would take *dasti* summons for getting the service effected on the witnesses he wishes to examine. The case is said to be fixed tomorrow. The trial Court would adjourn the case for over three weeks since a number of holidays are falling in the next month and allow one opportunity to the plaintiff to examine the witnesses subject to payment of Rs.5,000/- as costs to be paid to the defendants. Payment/deposit of the cost would be a condition precedent for examination of the witnesses.

(ANITA CHAUDHRY)
JUDGE

28.09.2017

Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No