

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 6172 of 2017 (O&M)

Date of decision:- 13.09.2017

Shamsher Singh

...Petitioner

Versus

Harbhajan Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. M.S. Bajwa, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 08.08.2017 (Annexure P-4) passed by the learned Civil Judge (Sr. Divn.) Amritsar whereby evidence of the petitioner/defendant has been closed.

Learned counsel for the petitioner has referred to an application dated 16.02.2017 which was filed for summoning of the three witnesses and deposit of diet fee (Annexure P-3) vide which petitioner wants to summon the three witnesses and learned Court issued the summon for appearance of D.W's.

Learned counsel submits that out of the three witnesses sought to be summoned by the petitioner, only one witness i.e concerned clerk of O.C Branch along with Duty Register came present and got recorded his evidence and the remaining two DW's did not come present before the Court for recording of their evidence despite the fact that the Court summoned witness MHC Baljinder Singh through bailable warrants and thereafter he was ordered to be summoned through arrest warrants.

Learned counsel for the petitioner restricts his prayer for summoning one witness i.e Incharge of Suvidha Centre along with complete record of lodged DDR dated 15.09.2014 and 16.09.2014.

In view of the above factual position, this Court is of the view that this witness i.e Incharge of Suvidha Centre would be necessary for just decision of the case.

Accordingly, the revision petition is allowed and order dated 08.08.2017 (Annexure P-4) passed by the learned Civil Judge (Sr. Divn.) Amritsar is set aside. The trial Court is directed to give one effective opportunity to the petitioner to get this witness i.e Incharge of Suvidha Centre produce from the office of Suvidha Centre. Since this witness is a government official, the trial Court is also directed to take necessary steps in accordance with law to secure the presence of the above said witness .

A copy of this order be given *dasti* under the signatures of Reader of this Court.

September 13, 2017
G Arora

(*RITU BAHRI*)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No