

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8347 of 2017

Date of decision: 15.12.2017

Savitri Devi and others

...Petitioners

V/S

Sukha and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present : Mr. Jaswinder Singh, Advocate for the petitioners.

Mr. Kuldeep Singh Saini, Advocate for respondent No.2.

Mr. Naveen Batra, Advocate for respondent No.3.

None for respondents No.1, 4, 5 and 6.

B.S WALIA, J. (Oral)

1. Impugned in the revision petition is order dated 04.09.2017 i.e. Annexure P-4, passed by the learned Additional Civil Judge (Sr. Divn.), Anandpur Sahib closing the evidence of the plaintiffs-petitioners on the statement of their counsel. Prayer is for setting aside the impugned order on the ground that the statement was inadvertently made as Dr. Sawaranjit Singh of Civil Hospital, Anandpur Sahib, District Roopnagar remained to be examined to prove the postmortem report of deceased-Dilbagh Singh.

2. Learned counsel contends that pursuant to the orders of the learned Additional Civil Judge (Sr. Divn.), Anandpur Sahib, diet money had been deposited on 21.08.2017 for summoning Dr. Sawaranjit Singh of Civil Hospital, Anandpur Sahib and although summons were issued for the said witness yet the

transferred from Civil Hospital, Anandpur Sahib to another hospital. Learned counsel contends that examination of Dr. Sawaranjit Singh was essential to prove the postmortem report of deceased-Dilbagh Singh. Therefore, the impugned order be set aside and one opportunity be granted to the petitioners to examine Dr. Sawaranjit Singh.

3. Learned counsel for the respondents, on the other hand, contend that the counsel for the petitioners had himself made a statement closing plaintiffs' evidence in affirmative after tendering documents, therefore the learned Additional Civil Judge (Sr. Division) Anandpur Sahib had rightly passed the impugned order.

4. I have considered the submissions of learned counsel for the parties and am of the view that in the facts and circumstance of the case the order passed by the Additional Civil Judge (Sr. Divn.), Anandpur Sahib does not suffer from any infirmity. At this stage, learned counsel for the petitioners prays for permission to move an appropriate application before the learned trial Court for recall of order dated 04.09.2017 and for permission to examine Dr. Sawaranjit Singh.

5. In the light of the position as noted above, the revision petition is dismissed with the liberty as prayed for.

December 15, 2017
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.

