

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

CR-1074-2018 (O&M)

Date of decision : 16.2.2018

Neelam Phaugat

..... Petitioner

Versus

Dalbir Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saurabh Dalal, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 6.1.2018 passed by learned Civil Judge (Junior Division), Gurugram, vide which application filed by the plaintiff-petitioner was partly allowed with liberty to the plaintiff-petitioner to take all possible steps to bring on record the remaining additional evidence on its own responsibility, failing which the opportunity to lead evidence will be deemed to be closed.

Heard.

Learned counsel for the petitioner-plaintiff contends that for the additional evidence the official from Canadian High Commission was summoned. The additional evidence was allowed on 31.5.2016 by learned trial Court and the revision filed against the said order dated 31.5.2016 was dismissed by this Court vide order dated 10.5.2017.

Thereafter, aggrieved of the order dated 10.5.2017, the other party went to Hon'ble Supreme Court by way of filing a Special Leave Petition bearing SLP (C) No. 18925-2017, which was dismissed on 4.8.2017.

It is further stated that learned trial Court has taken the view that it is the responsibility of the plaintiff to bring the entire evidence at his own and accordingly the opportunities were granted.

Learned counsel for the petitioner has referred to the procedure for summoning a witness from the foreign Embassy (Annexure B) in which atleast 4-5 months time is required. Therefore, it is stated that plaintiff is unable to summon the said witness at his own responsibility.

Since, the plaintiff is unable to bring the witness from the Candian High Command Embassy at his own responsibility, therefore, he cannot be directed to bring the said witness at his own.

Consequently, the impugned order dated 6.1.2018, passed by learned Civil Judge, (Junior Division), Gurugram is set aside. Trial Court is directed to proceed in accordance with the instructions referred to in the impugned order dated 6.1.2018, passed by learned Civil Judge (Junior Division), Gurugram.

Allowed as above.

(KULDIP SINGH)
JUDGE

16.2.2018
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Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No