

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

CR No.1727 of 2018
Date of decision : 15.03.2018

Balbir Singh and another

...Petitioners

Versus

Munshi Ram (since deceased) through LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Kumar Sheoran, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-petitioners have filed this revision petition against the order dated 20.02.2018 passed by the learned trial Court refusing to grant assistance to summon the official witnesses on the ground that the plaintiffs-petitioners were granted opportunity to file the list of witnesses and diet money within a period of 15 days but the application was not filed within the aforesaid time and, hence, it was rejected.

It is appreciable that the Courts are making sincere efforts to decide the suits expeditiously. However, whenever the official witnesses are required to be examined, their presence can only be secured through the summons sent from the Court. No doubt, there was some delay in submitting the application, however, taking into consideration the fact that the suit is with respect to the immovable property and the official witnesses are required to be examined, this Court is of the opinion that the order

passed by the learned trial Court is liable to be set aside.

In view thereof, the order dated 20.02.2018 passed by the learned trial Court is set aside.

Revision petition is allowed.

The trial Court would issue the summons to the official witnesses and it shall be the duty of the plaintiffs to take *dasti* summons and serve the official witnesses.

Since, the order has been passed without issuing notice to the respondents-defendants, therefore, they shall have a liberty to move an application for recall of this order, if they feel so aggrieved.

15.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No