

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.1777 of 2018 (O&M)

Date of decision : 04.10.2018

Kewal Krishan

...Petitioner

Versus

Parshotam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K. Khunger, Advocate for the petitioner.

Mr. Peeush Gagneja, Advocate for respondent Nos.2 and 3.

ANIL KSHETARPAL, J. (ORAL)

The petitioner-landlord in order to examine Bimla Devi @ Nirmala Devi got issued the summons for service on the witness. The summons were duly served on her on 02.02.2018. Learned Rent Controller on 05.03.2018 noticed that the dasti summons were taken by the landlord. However, learned Court rather than using coercive method to secure the presence of Bimla Devi @ Nirmala Devi, directed the landlord to bring the witness at his own responsibility and on 12.03.2018, after noticing that the landlord has failed to bring the aforesaid witness, closed the evidence.

Once a witness has been summoned through the Court and service of notice on her has been effected, it is the duty of the Court to secure the presence of the aforesaid witness. The Court cannot thereafter shift the onus on the party without any justifiable cause.

In view thereof, the orders under challenge are set aside.

Revision petition is allowed.

Learned Rent Controller is directed to proceed with the matter, in accordance with law.

04.10.2018

Pawan

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No